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Washington, Tuesday, June 16, 1942

The President

EXECUTIVE ORDER 9181

ADMINISTRATION OF THE FEDERAL GOVERNMENT SERVICES IN ALASKA

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354, 77th Congress), and as President of the United States and Commander-in-Chief of the Army and Navy, and by reason of the strategic importance of the Territory of Alaska in the present war, and for the purposes of (a) promoting the safety of the citizens of the Territory of Alaska and of the entire North American continent, (b) securing the more effective exercise and more efficient administration by the President of his powers as Commander-in-Chief of the Army and Navy and as President, and (c) facilitating coordination of Federal civil policies, plans, and activities in the Territory of Alaska with the policies, plans, and activities of the military authorities responsible for the defense of the Territory, it is hereby ordered as follows:

1. The ex-officio Commissioners for Alaska designated by the Secretaries of the Interior, Agriculture, and Commerce under the Act of February 10, 1927 (44 Stat. 1068, 5 U.S.C. 119), an official to be designated by the Federal Security Administrator, and an official to be designated by the Federal Works Administrator, shall be invested by such respective Secretaries and Administrators with authority and responsibility as their representatives for making decisions requisite to the prompt performance of the duties of such departments and agencies, and to meeting emergencies requiring any such department or agency to furnish special services, in the Territory of Alaska, hereafter called Alaska. The said Commissioners and officials shall, for the purposes of this order, be special representatives in Alaska of their respective departments and agencies.

2. The special representatives provided for in section 1 hereof, together with the

Governor of Alaska, a person to be designated by the Attorney General of the United States, and a resident of Alaska to be elected by such special representatives, Governor, and person, shall constitute an Alaska War Council, hereafter called the Council, with organization, functions, and duties as follows:

(a) The Governor of Alaska shall be the Chairman of the Council. The Council shall elect one of its members to serve as Vice-Chairman of the Council.

(b) The Council shall meet at the call of the Chairman or, when the Chairman is unable to act, at the call of the Vice-Chairman or, as hereinafter provided, at the request of the military authorities. Meetings shall be held as the demands of the war emergency may require, but not less often than bi-monthly.

(c) It shall be the duty of the Council, and of the said special representatives with regard to programs and progress in their respective fields of activity, to maintain close liaison with the military authorities in Alaska to the end that for the duration of the war the conduct of Federal civil activities shall be brought into closest possible conformity with military requirements.

(d) The Council shall consult from time to time with the Alaska representatives of the National Resources Planning Board.

(e) The Council shall make such recommendations to the military and other Federal authorities as it deems desirable relative to coordination of Federal civil activities with the military program and relative to the safety and security of the civilian population of Alaska. Any such recommendations made to the military authorities shall be submitted through the appropriate liaison officers herein-after provided for.

3. The Governor of Alaska, as Chairman of the Council, shall keep the President informed with regard to major steps proposed or adopted for the protection of the civilian population of Alaska: *Provided*, That confidential or secret information concerning military operations shall be transmitted through military channels only.

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4. In connection with the activities of the Army and Navy forces in Alaska, the commanding officers of such forces and other military authorities shall, to the fullest extent possible, give consideration to civilian needs and problems arising from the war situation in Alaska. To this end the Department of War and the Department of the Navy shall each designate a responsible liaison officer who shall meet with the Council and to whom the Council and said special representatives shall have ready access. The said liaison officers, acting either jointly or singly, are authorized to request a meeting of the Council, whereupon it shall be convened.

5. The heads of civil Federal departments, agencies, independent establishments, and Government-owned corporations conducting activities in Alaska, or their special representatives designated in accordance with this order, shall conform with such requests as the Secretary of War may deem necessary for the effective utilization in the prosecution of the war of the services, personnel, equipment, and facilities of any such agency, independent establishment, or corporation, or of any bureau, office or other administrative unit of any such department. The Secretary of War, in the formulation of any such requests, shall coordinate with the Secretary of the Navy with regard to all matters of interest to the Department of the Navy.

6. This order shall become effective as of the date hereof and shall continue in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 11, 1942.

[F. R. Doc. 42-5528; Filed, June 12, 1942;
2:59 p. m.]

EXECUTIVE ORDER 9182

CONSOLIDATING CERTAIN WAR INFORMATION FUNCTIONS INTO AN OFFICE OF WAR INFORMATION

In recognition of the right of the American people and of all other peoples opposing the Axis aggressors to be truthfully informed about the common war effort, and by virtue of the authority vested in me by the Constitution, by the First War Powers Act, 1941, and as Presi-

dent of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The following agencies, powers, and duties are transferred and consolidated into an Office of War Information which is hereby established within the Office for Emergency Management in the Executive Office of the President:

a. The Office of Facts and Figures and its powers and duties.

b. The Office of Government Reports and its powers and duties.

c. The powers and duties of the Coordinator of Information relating to the gathering of public information and its dissemination abroad, including, but not limited to, all powers and duties now assigned to the Foreign Information Service, Outpost, Publications, and Pictorial Branches of the Coordinator of Information.

d. The powers and duties of the Division of Information of the Office for Emergency Management relating to the dissemination of general public information on the war effort, except as provided in paragraph 10.

2. At the head of the Office of War Information shall be a Director appointed by the President. The Director shall discharge and perform his functions and duties under the direction and supervision of the President. The Director may exercise his powers, authorities, and duties through such officials or agencies and in such manner as he may determine.

3. There is established within the Office of War Information a Committee on War Information Policy consisting of the Director as Chairman, representatives of the Secretary of State, the Secretary of War, the Secretary of the Navy, the Joint Psychological Warfare Committee, and of the Coordinator of Inter-American Affairs, and such other members as the Director, with the approval of the President, may determine. The Committee on War Information Policy shall formulate basic policies and plans on war information, and shall advise with respect to the development of coordinated war information programs.

4. Consistent with the war information policies of the President and with the foreign policy of the United States, and after consultation with the Committee on War Information Policy, the Director shall perform the following functions and duties:

a. Formulate and carry out, through the use of press, radio, motion picture, and other facilities, information programs designed to facilitate the development of an informed and intelligent understanding, at home and abroad, of the status and progress of the war effort and of the war policies, activities, and aims of the Government.

b. Coordinate the war informational activities of all Federal departments and agencies for the purpose of assuring an accurate and consistent flow of war information to the public and the world at large.

c. Obtain, study, and analyze information concerning the war effort and advise the agencies concerned with the dissemination of such information as to the most appropriate and effective means of keeping the public adequately and accurately informed.

d. Review, clear, and approve all proposed radio and motion picture programs sponsored by Federal departments and agencies; and serve as the central point of clearance and contact for the radio broadcasting and motion picture industries, respectively, in their relationships with Federal departments and agencies concerning such Government programs.

e. Maintain liaison with the information agencies of the United Nations for the purpose of relating the Government's informational programs and facilities to those of such nations.

f. Perform such other functions and duties relating to war information as the President may from time to time determine.

✓5. The Director is authorized to issue such directives concerning war information as he may deem necessary or appropriate to carry out the purposes of this Order, and such directives shall be binding upon the several Federal departments and agencies. He may establish by regulation the types and classes of informational programs and releases which shall require clearance and approval by his office prior to dissemination. The Director may require the curtailment or elimination of any Federal information service, program, or release which he deems to be wasteful or not directly related to the prosecution of the war effort.

6. The authority, functions, and duties of the Director shall not extend to the Western Hemisphere exclusive of the United States and Canada.

7. The formulation and carrying out of informational programs relating exclusively to the authorized activities of the several departments and agencies of the Government shall remain with such departments and agencies, but such informational programs shall conform to the policies formulated or approved by the Office of War Information. The several departments and agencies of the Government shall make available to the Director, upon his request, such information and data as may be necessary to the performance of his functions and duties.

8. The Director of the Office of War Information and the Director of Censorship shall collaborate in the performance of their respective functions for the purpose of facilitating the prompt and full dissemination of all available information which will not give aid to the enemy.

9. The Director of the Office of War Information and the Defense Communications Board shall collaborate in the performance of their respective functions for the purpose of facilitating the broadcast of war information to the peoples abroad.

10. The functions of the Division of Information of the Office for Emergency Management with respect to the provision of press and publication services relating to the specific activities of the

constituent agencies of the Office for Emergency Management are transferred to those constituent agencies respectively, and the Division of Information is accordingly abolished.

11. Within the limits of such funds as may be made available to the Office of War Information, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services. He may provide for the internal management and organization of the Office of War Information in such manner as he may determine.

12. All records, contracts, and property (including office equipment) of the several agencies and all records, contracts, and property used primarily in the administration of any powers and duties transferred or consolidated by this Order, and all personnel used in the administration of such agencies, powers, and duties (including officers whose chief duties relate to such administration) are transferred to the Office of War Information, for use in the administration of the agencies, powers, and duties transferred or consolidated by this order; provided, That any personnel transferred to the Office of War Information by this Order, found by the Director of the Office of War Information to be in excess of the personnel necessary for the administration of the powers and duties transferred to the Office of War Information, shall be retransferred under existing procedure to other positions in the Government service, or separated from the service.

13. So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any power or duty transferred or consolidated by this Order or for the use of the head of any agency in the exercise of any power or duty so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Office of War Information, for use in connection with the exercise of powers or duties so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer or consolidation.

FRANKLIN D ROOSEVELT.

THE WHITE HOUSE,
June 13, 1942.

[F. R. Doc. 42-5596; Filed, June 15, 1942;
12:21 p. m.]

MILITARY ORDER

OFFICE OF STRATEGIC SERVICES

By virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, it is ordered as follows:

1. The office of Coordinator of Information established by Order of July 11,

1941,¹ exclusive of the foreign information activities transferred to the Office of War Information by Executive Order of June 13, 1942, shall hereafter be known as the Office of Strategic Services, and is hereby transferred to the jurisdiction of the United States Joint Chiefs of Staff.

2. The Office of Strategic Services shall perform the following duties:

a. Collect and analyze such strategic information as may be required by the United States Joint Chiefs of Staff.

b. Plan and operate such special services as may be directed by the United States Joint Chiefs of Staff.

3. At the head of the Office of Strategic Services shall be a Director of Strategic Services who shall be appointed by the President and who shall perform his duties under the direction and supervision of the United States Joint Chiefs of Staff.

4. William J. Donovan is hereby appointed as Director of Strategic Services.

5. The Order of July 11, 1941 is hereby revoked.

FRANKLIN D ROOSEVELT,
Commander-in-Chief.

THE WHITE HOUSE,
June 13, 1942.

[F. R. Doc. 42-5595; Filed, June 15, 1942;
12:21 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

INSURANCE REGULATIONS

Section 10.334 of Title 6, Code of Federal Regulations, as amended (5 F.R. 1059), is amended to read as follows:

§ 10.334 Reduction of insurance under certain circumstances. A land bank may reduce the amount of insurance theretofore required or discontinue such requirement in whole or in part, provided the bank deems the reduction or discontinuance of insurance advisable in the light of all pertinent factors: (1) whenever the unpaid balance of the mortgage debt does not exceed \$200; or (2) whenever it is found that the land, without the buildings mentioned in § 10.331, would afford ample security under the provisions of the Federal Farm Loan Act for a new loan in the amount of the unpaid balance of the mortgage debt. On each request for reduction in the amount of insurance or for discontinuance of the insurance requirement, in whole or in part, such information in writing should be required as will enable the bank to act advisedly. The chief appraiser, or assistant chief appraiser, should recommend whether or not an appraiser's report or other information is necessary and, subject to the approval of the bank, take steps to obtain such information. The bank may request any further information or investigation. Insurance is not required in

excess of the unpaid balance of the mortgage debt; however, there may be conditions under which the bank would be warranted in requiring additional insurance. (Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth")

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42-5529; Filed, June 12, 1942;
4:22 p. m.]

PART 19—FEES

ADDITIONAL-LOAN FEES

Section 19.4009 of Title 6, Code of Federal Regulations, as amended (7 F.R. 1076), is amended to read as follows:

§ 19.4009 Additional-loan fees. When an applicant for a loan offers as security therefor property which is mortgaged, in whole or in part, to a Federal land bank, the Federal Farm Mortgage Corporation, or both, the provisions of §§ 19.4005, 19.4007 and the last sentence of § 19.4008 shall apply in determining the amount of the application fee which may be collected and retained by the association through which such application is submitted, except that the maximum association application fee which may be collected in accordance with § 19.4005 and the maximum additional association application fee which may be collected in accordance with § 19.4007 shall be based upon the difference between the amount of the loan applied for and the total unmatured principal, as of the date of the application, of the outstanding loan held by the bank or the Corporation or both. Where, upon the basis of such application, a Federal land bank loan is closed through an association which endorses the outstanding land bank loan, the association may, whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding loan, collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount of the new note or notes which represents other than principal of the outstanding bank loan unmatured as of the date of the application. Where, upon the basis of such application, a Federal land bank loan is closed through a different association than that which endorsed the outstanding land bank loan, or through any association if only a loan held by the Federal Farm Mortgage Corporation was outstanding, the association may collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount for which it endorses the land bank loan. (Sec. 11 "Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375; 12 U.S.C. 761 "Third", 831 (d))

Section 19.4022 of Title 6, Code of Federal Regulations, as amended (7 F.R. 1077), is amended to read as follows:

§ 19.4022 Additional-loan fees. When an applicant for a loan offers as security therefor property which is mortgaged, in whole or in part, to a Federal land bank, the Federal Farm Mortgage Cor-

poration, or both, the application fee collected by the Federal land bank shall not exceed an amount computed in accordance with approved schedules upon the basis of the difference between the amount of the loan applied for and the total unmatured principal, as of the date of the application, of the outstanding loan held by the bank or the Corporation or both. The balance of the appraisal and title determination fees collected by a Federal land bank in such cases shall not exceed an amount computed in accordance with approved schedules upon the amount of the new note or notes which represents other than principal of the outstanding loan held by the bank or the Corporation or both, unmatured as of the date of the application. The bank's direct-loan closed loan fee in such cases shall not exceed 1 percent of the amount included in the new note or notes which represents other than principal of the outstanding bank loan unmatured as of the date of the application. (Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e) and Sup.)

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42-5530; Filed, June 12, 1942;
4:22 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 404—1942 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1942 Wheat Crop Insurance Regulations¹ are amended as follows:

Section 404.1 of said regulations is amended by changing the definition of "the maximum insurable acreage for a farm" to read as follows:

§ 404.1 Meaning of terms. * * *

The maximum insurable acreage for a farm shall be the wheat acreage allotment under the 1942 Agricultural Conservation Program, the permitted acreage, or 15 acres whichever is larger, except when two or more farms under the provisions of these regulations constitute one farm under the 1942 Agricultural Conservation Program, in which case the maximum insurable acreage for each farm as defined in these regulations shall be the same proportion of the wheat acreage thereon, as the acreage allotment of the farm as constituted under the 1942 Agricultural Conservation Program, the permitted acreage, or 15 acres, whichever is larger, is of the total acreage of the wheat crop on such farm."

Section 404.20 (b) of said regulations is amended by striking the period at the

end thereof, inserting a colon, and adding the following provision:

§ 404.20 Application for insurance.

(b) * * * *Provided, however,* That where tenants are required by leasing arrangements with Governmental Indian Agencies to insure the owner's interest in the wheat crop seeded on the farm of the owner for whom such agency is acting, applications may be submitted to cover each farm individually.

Section 404.64 of said regulations is amended by striking the period at the end thereof, inserting a colon, and adding the following provision:

§ 404.64 Amount of loss. (a) * * * *Provided, however,* That where production of wheat on any acreage is reduced by inability to obtain labor, fertilizer, machinery, repairs, or other farming essentials, as a result of war conditions, and a reasonable effort has been made to obtain such labor, fertilizer, machinery, repairs, or other farming essentials, the total production shall include the wheat equivalent of the savings in cost of producing and harvesting the insured crop, unless such equivalent is more than the amount of loss attributable to such cause.

Section 404.72 (e) of said regulations is amended to read as follows:

§ 404.72. Settlement under the certificate of indemnity.

* * * * * (e) Any indemnity payable under the insurance contract shall be subject to deduction for any indebtedness arising out of any crop insurance contract.

Adopted by the Board of Directors on April 24, 1942.

(Secs. 506 (e), 516 (b), 52 Stat. 73, 77; 7 U.S.C. 1506 (e), 1516 (b))

[SEAL] D. S. MYER,
Chairman of the Board.

Approved: June 12, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-5558; Filed, June 13, 1942;
11:43 a. m.]

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1942 Cotton Crop Insurance Contract Regulations are amended as follows:

Section 411.11¹ of said regulations is amended to read as follows:

§ 411.11 Amount of loss. (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the insured production under the contract for such insurance unit less the insured's interest (at the time harvest is commenced) in the lint cotton

harvested from the insurance unit and weighed in at the gin, the lint cotton harvested (and not destroyed) but not weighed in at the gin, and the appraised production of lint cotton not harvested: *Provided, however,* That such amount shall be subject to one or more of the following reductions, whenever applicable, multiplied by the insured's interest in the crop at the time harvest is commenced:

(1) Where any acreage of cotton planted is put to another use with the consent of the Corporation, the number of pounds of cotton equal to the appraised production from such acreage;

(2) Where any acreage of cotton is not replanted to cotton in areas and under circumstances where it is customary to replant cotton, the number of pounds of cotton by which the amount of cotton, determined as the production from such acreage, is less than the product of the acreage, the average yield, and the insured percentage;

(3) Where the actual production of cotton on any acreage is reduced either in whole or in part by causes not insured against, including (i) the use of such acreage for any purpose other than the production of cotton, without the consent of the Corporation, and (ii) failure properly to apply irrigation water to cotton in proportion to the water available for all irrigated crops in instances in which insurance is written on an irrigated basis, a number of pounds equal to the appraised reduction in production, except that with respect to any acreage on which there is a complete failure in yield due solely to a cause not insured against, such number of pounds shall not be less than the product of the acreage, the average yield, and the insured percentage;

(4) Where any acreage of cotton is planted on acreage of poorer average quality than the average quality of the land considered in establishing the average yield and premium rate and such planting was not the result of an established rotation, or where the Corporation's risk has been increased upon any acreage by (i) the planting of a different variety of cotton than the variety of cotton considered in establishing the average yield or premium rate, (ii) the following of a different fertilizer or other practice in connection with the production of cotton on the insurance unit than the practice taken into consideration in establishing the average yield and premium rate for the unit, or (iii) the planting of the cotton crop under conditions of immediate hazard without adjustment of the average yield or premium rate to reflect such hazard, a number of pounds equal to the product of such acreage, the insured percentage, and the number of pounds of cotton per acre representing the difference between the average yield established and the yield appraised on the basis of the quality of the land seeded, the variety of cotton planted, the practice followed, or the immediate hazard at the time of planting, as the case may be. This adjustment shall be made for any one or more of the reasons listed in this item, notwithstanding that damage or

total destruction of the insured crop occurs by reason of any other cause; and

(5) Where the loss is caused by inability to obtain labor, fertilizer, machinery, repairs, or other farming essentials, as a result of war conditions, and a reasonable effort has been made to obtain such labor, fertilizer, machinery, repairs, or other farming essentials, a number of pounds of cotton of not less than the smaller of either (i) the equivalent of the savings in cost of producing and harvesting the insured crop, computed by dividing the savings in cost by 119 percent of the applicable cash equivalent price per pound, or (ii) the amount of loss attributable to such cause.

(b) In order to cover loss of cotton-seed on any insurance unit, there shall be added to the amount of loss determined under paragraph (a) a number of pounds of lint cotton equal to 19 percent of such amount of loss. (Secs. 506 (e), 516 (b), 52 Stat. 73, 77; 7 U.S.C. 1506 (e), 1516 (b)).

Adopted by the Board of Directors on April 24, 1942.

[SEAL]. D. S. MYER,
Chairman of the Board.

Approved: June 12, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-5559; Filed, June 13, 1942;
11:43 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 116—CIVIL AIR NAVIGATION

§ 116.16 Airports of entry.

NOTE: For text of this section see Title 19, § 4.11 *infra*.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 61—OFFICERS RESERVE CORPS

Section 61.66(a)¹ is hereby amended to read as follows:

§ 61.66 Judge Advocate General's Department Reserve—(a) Special limitations on appointment, reappointment, and promotion—(1) Original appointment. Original appointment will be made in the grade of captain only.

(2) Age restriction. See § 61.1.

(3) Civilian experience requirements.

(i) Membership in good standing of the bar of the highest court of a State or Territory, the District of Columbia, or a territorial possession of the United States, and

(ii) Experience in the actual practice of law, or as a teacher of law in a law school of recognized standing, or as a holder of judicial office, or in any two or more of those activities, will be required as follows:

¹ 6 F.R. 3083.

(a) For appointment in the grade of captain, 4 years.

(b) For promotion to the grade of major, 9 years; lieutenant colonel, 15 years; colonel, 22 years.

(4) Documentary evidence of compliance with the foregoing requirements will be submitted as follows:

(i) A certificate from the clerk of the highest court of a State or Territory, the District of Columbia, or a possession of the United States to the effect that the applicant has been admitted to practice law before the said court and is a member of the bar thereof in good standing; and, in the case of a teacher of law, a certificate of the proper official of the law school or, in the case of a holder of judicial office, a certificate of election or appointment.

(ii) An affidavit from the applicant which will include a statement of the length of time that he has been actively engaged in the legal profession, a list of the more important cases handled by him, showing the nature of each, and a general statement of the character of his practice or, in the case of a teacher of law, the subject which he teaches; and

(iii) Letters from not less than three disinterested judges or lawyers relative to the applicant's reputation and professional standing, the types of cases handled by him, and his ability as an attorney, teacher, or judge.

(5) The examining board may make such further inquiry as it desires with reference to the applicant's reputation and professional standing. (39 Stat. 189, 41 Stat. 775, 42 Stat. 1033, 48 Stat. 154, 939; 10 U.S.C. 352) [Par. 2, AR 140.32, August 9, 1940, as amended by C-1, May 26, 1942]

* * * * *

[SEAL] J. A. ULIO,

Major General,
The Adjutant General.

[F. R. Doc. 42-5538; Filed, June 13, 1942;
9:12 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4716]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SHEPHERD'S TAILORING COMPANY, INC. ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of men's suits or other garments, and among other things, as in order set forth, (1) supplying, etc., others with any merchandise together with a sales plan or method involving the use of a game of chance, gift enterprise or lottery scheme by which said merchandise is to be or may be sold or distributed to the purchasing public; and (2) selling, etc., any merchandise by the use of a game of chance, gift enterprise or lottery scheme;

prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Shepherd's Tailoring Company, Inc., et al., Docket 4716, June 8, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—History:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Stock:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Coverage or extras.* In connection with offer, etc., in commerce, of men's suits or other garments, and among other things, as in order set forth, (1) representing that all the suits sold by them are priced at \$39; (2) representing that respondents have been in the custom tailoring business since 1907; and (3) representing that respondents carry in stock "hundreds" or any other large number of patterns of suiting which are sold at \$39 or any other fixed price, unless such is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Shepherd's Tailoring Company, Inc., et al., Docket 4716, June 8, 1942]

In the Matter of Shepherd's Tailoring Company, Inc., a Corporation, Formerly Small's, Inc., a Corporation, and Louis Small, Walter H. Hahn, and William Trignani, Individually, and as Officers and Directors of Shepherd's Tailoring Company, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, Shepherd's Tailoring Company, Inc., a corporation, and Walter H. Hahn and William Trignani, individually and as officers and directors of Shepherd's Tailoring Company, Inc., in which answer said respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, that the respondent Shepherd's Tailoring Company, Inc., a corporation, its officers, directors, representatives, agents and employees, and respondents Walter H. Hahn and William Trignani, individually and as officers and directors of Shepherd's Tailoring Company, Inc., jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of men's suits or other garments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to, or placing in the hands of, others any merchandise to-

gether with a sales plan or method involving the use of a game of chance, gift enterprise or lottery scheme by which said merchandise is to be or may be sold or distributed to the purchasing public;

(2) Selling or otherwise disposing of any merchandise by the use of a game of chance, gift enterprise or lottery scheme;

(3) Representing that all the suits sold by them are priced at \$39;

(4) Representing that respondents have been in the custom tailoring business since 1907;

(5) Representing that respondents carry in stock "hundreds" or any other large number of patterns of suiting which are sold at \$39 or any other fixed price, unless such is the fact.

It is further ordered, That the respondents Shepherd's Tailoring Company, Inc., a corporation, and Walter Hahn and William Trignani shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the case be closed as to Louis Small, subject to the right of the Commission to reopen the same should further facts so warrant.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5543; Filed, June 13, 1942;
10:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

PART 4—AIR COMMERCE REGULATIONS

AMENDMENTS TO REGULATIONS FOR THE APPLICATION TO CIVIL AIR NAVIGATION OF THE LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

The Regulations for the Application to Civil Air Navigation of the Laws and Regulations Relating to Customs, Public Health, Entry and Clearance, and Immigration issued by the Acting Secretary of the Treasury, the Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney General, within their respective authorities, on August 28, 1941, as amended on October 31, 1941 (6 F.R. 4516, 4536, 4537, 4514, and 5583; 19 CFR 4.1 to 4.10e, 42 CFR 11.501 to 11.515, 14 CFR 904.1 to 904.15, and 8 CFR 116.1 to 116.15) are hereby further amended as follows:

A new § 4.11 of Title 19, Code of Federal Regulations, also hereby designated as § 11.516 of Title 42, and § 116.16 of Title 8, is added as follows:

§ 4.11 *Airports of entry.* (a) Airports of entry will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an airport of entry may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) Airports of entry shall be municipal airports, unless particular conditions which prevail warrant a departure from such requirement, and shall be possessed of a currently effective designation as a "Designated Landing Area" issued by the Administrator of Civil Aeronautics. Additional requirements may be imposed as the needs of the district or area to be served by the airport may demand.

(e) Airports of entry shall provide without cost to the Federal Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area shall, in each case, be provided by the airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) Airports of entry shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in cases where airports of entry authorize any such aircraft to use such airports for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airports.

(g) All aircraft entering or clearing through airports of entry shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) Airports of entry shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration. (R.S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, sec. 5, 27 Stat. 451, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U.S.C. 22, 19 U.S.C. 66, 1644, 49 U.S.C. 177, 42 U.S.C. 94, 8 U.S.C. 102, 222. Secs. 201 (a), 205 (b), President's Reorganization Plan No. I, sec. 1, President's Reorganization Plan No. V; 4 F.R. 2728, 2729, 5 F.R. 2132, 2223. E.O. 9083, Feb. 28, 1942; 7 F.R. 1609)

The Airport of Entry Regulations approved on October 6, 1931, by the Secretary of the Treasury, the Secretary of

Commerce, and the Secretary of Labor, published in T.D. 45174 (19 CFR 4.11), are hereby superseded.

Washington, D. C., June 5, 1942.

[SEAL] HERBERT E. GASTON,

Acting Secretary of the Treasury.

W. R. JOHNSON,

Commissioner of Customs.

PAUL V. McNUTT,

Federal Security Administrator.

FRANCIS BIDDLE,

Attorney General.

[F. R. Doc. 42-5527; Filed, June 12, 1942; 12:27 p. m.]

of appearance having been filed by the Bituminous Coal Consumers' Counsel;

A hearing having been held in this matter pursuant to appropriate orders before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Pueblo, Colorado, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioners and District Board No. 17 appeared;

The parties having waived the preparation and filing of the Examiner's Report, and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 337.5 (General prices; minimum for shipment via rail transportation) and § 337.21 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments Except Truck and for Truck Shipments be and they are hereby amended by increasing the minimum price for Size Group 15 ($\frac{3}{4}'' \times 0$) coal produced in Subdistricts 2 and 3 from \$1.45 per ton f. o. b. the mine to \$1.65 per ton f. o. b. the mine for truck shipments, and from \$1.20 per ton f. o. b. the mine to \$1.40 per ton f. o. b. the mine for rail shipments to Market Areas 219 and 220.

Dated: June 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5575; Filed, June 15, 1942; 11:20 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter E—Credit to Indians

PART 21—LOANS TO INDIAN CHARTERED CORPORATIONS

Section 21.2, *Purpose*, is amended to read:

§ 21.2 *Purpose.* Funds may be loaned to a corporation to promote the economic development of said corporation and its members. Under the terms of an approved loan agreement with the United States, a corporation may finance the development and operation of corporate enterprises, and may make loans to individual Indians, partnerships, bands, cooperatives, and credit unions. (Sec. 10, 48 Stat. 986; 25 U.S.C. 470)

W. C. MENDENHALL,
*Acting Assistant Secretary
of the Interior.*

JUNE 3, 1942.

[F. R. Doc. 42-5557; Filed, June 13, 1942; 10:58 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1277]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

H. S. SCRANTON, ET AL.—RELIEF GRANTED

Order granting permanent relief in the matter of the petition of H. S. Scranton et al., code members for revision of effective minimum prices for coals in Size Group 15 produced in Subdistricts 2 and 3 in District No. 17.

A petition having been filed with the Bituminous Coal Division on January 17, 1942, by certain code members in Subdistricts 2 and 3 of District No. 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a change in the effective minimum prices for Size Group 15 or $\frac{3}{4}'' \times 0$ coal, produced in said subdistricts—from \$1.45 per ton f. o. b. the mine to \$1.65 for all truck shipments, and from \$1.20 per ton f. o. b. the mine to \$1.40 for rail shipments to Market Areas 219 and 220;

A petition for intervention having been filed by the Bituminous Coal Producers Board for District No. 17 and a notice

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 982—MINES

[Interpretation 1 to Preference Rating Order P-56, as Amended]

The following official interpretation is hereby issued with respect to Preference Rating Order P-56¹ (§ 982.1):

The A-10 rating provided by paragraph (c) (1) (vi) of the order is available for repair and maintenance of houses owned by an operator and used for the housing of miners employed in the operation of a mining enterprise.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5556; Filed, June 13, 1942; 11:31 a. m.]

PART 1068—TINPLATE AND TERNEPLATE

[Supplementary Order M-81-a]

§ 1068.2 Supplementary Order No. M-81-a. In accordance with the provisions of § 1068.1 Conservation Order M-81¹ which this order supplements, the following directions for substitution of materials shall be mandatory from the effective date hereof:

(a) For manufacturing cans for packing the products listed in this paragraph (a), all can manufacturers shall, to the greatest extent available, use tinplate with a tin coating not in excess of 0.50 pounds per base box, for making the ends only of cans with soldered side seam, and for making the ends and the bodies of cans without soldered side seam. All cannerys accepting delivery of cans for packing such products are hereby required to accept from the can manufacturer making delivery, to the greatest extent available up to 50 percent of the delivery, cans made of tinplate with a tin coating not in excess of 0.50 pounds per base box, as specified herein. The products to which this paragraph applies are as follows:

Asparagus.
Beans, green and wax.
Fish and shellfish, whether processed or for refrigeration shipments fresh, except dry pack shrimp, and sardines in tomato sauce, mustard sauce, or vinegar sauce, and except $\frac{1}{2}$ pound drawn oblong cans for sardines.
Frozen foods.
Honey.
Beets.
Carrots.
Carrots and peas.
Pimentos and peppers.
Pumpkin and squash.
Spinach and other green leafy vegetables.
Okra.
Vegetables, mixed.
Soups, except tomato soup.
Sweet syrups.
Chili con carne.
Soap, liquid.

(b) For manufacturing cans for packing the products listed in this paragraph (b), all can manufacturers shall, to the greatest extent available, substitute chemically treated blackplate for tinplate and terneplate, for making the ends only of cans with soldered side seam, and for making the ends and the bodies of cans without soldered side seam. All cannerys accepting delivery of cans for packing such products are hereby required to accept from the can manufacturer making delivery, to the greatest extent available up to 100 percent of the delivery, cans made of chemically treated blackplate, as specified herein. Tinplate or terneplate, as specified by Order M-81, may be used for making the tops of cans to which fittings or trimmings are soldered. The products to which this paragraph applies are as follows:

Baby formulas, dry.
Milks, dry and malted.
Dehydrated vegetables.

Liquid oils, vegetable, marine and animal, or edible blends of such oils.
Hardened edible oils and unhardened or hardened lard, and rendered porkfat, and edible tallow, and animal, vegetable, and marine blends thereof.
Coconuts, shredded with milk.
Cements, except those containing water.
Fly spray.
Lighter fluids.
Acetone.
Oleic acid.
Dry cleaners.
Benzol, including but not limited to naphtha.
Turpentine.
Polish, paste.
Waxes, paste.
Disinfectants, dry.
Health supplies, except chloroform, ether and other liquid drugs.

(c) For manufacturing cans for packing the products listed in this paragraph (c), all can manufacturers shall, to the greatest extent available, use either chemically treated blackplate or tinplate with a tin coating not in excess of 0.50 pounds per base box, for making the ends only of cans with soldered side seam. All cannerys accepting delivery of cans for packing such products are hereby required to accept from the can manufacturer making delivery, to the greatest extent available, up to 50 percent of the delivery, cans made of tinplate with a tin coating not in excess of 0.50 pounds per base box, as specified herein; and up to 10 percent of the delivery (or 20 percent, if one end only is made of chemically treated blackplate), cans made of chemically treated blackplate, as specified herein. The products to which this paragraph applies are as follows:

Beans, lima and green soybeans.
Peas.
Corn.
Succotash.
Meats, except chili con carne.

(d) To the extent that chemically treated blackplate is used instead of tinplate or terneplate, pursuant to this supplementary order, the area of tinplate or terneplate specified by any quota restriction of Order M-81 for packing a particular product, shall be reduced. Nothing in this supplementary order shall be construed to prevent the completion, sale and delivery of cans and can ends which were completely manufactured or in the process of manufacture on or before the effective date of this supplementary order, but this supplementary order shall not be construed to alter any provision of Order M-81 which is not herein expressly modified. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5553; Filed, June 13, 1942;
11:30 a. m.]

PART 1102—AGAR

[Amendment I to General Preference Order M-96]

Section 1102.1 General Preference Order M-96¹ is hereby amended by changing paragraph (b) (1) to read as follows:

(b) (1) "Agar" means any mucilaginous substance, whether dried or in other form, extracted from *Gelidium corneum*, *Gelidium cartilagineum*, *Gelidium amansii*, *Gracilaria confervoides*, *Gracilaria lichenoides*, *Eucheuma spinosum*, *Eucheuma isiforme*, *Eucheuma denticulatum*, *Gigartina spinosa*, *Gigartina millosa* and from other species of the genera named above and closely related algae of the class Rhodophyceae. It is also known as "agar-agar", "Chinese gelatin", and "Japanese gelatin". It shall not be construed to include any extract which was so processed before February 9, 1942, as to be rendered unfit for use in the preparation of bacteriological media. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5553; Filed, June 13, 1942;
11:30 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

[Amendment 2 to Limitation Order L-78]

Paragraph (a) and (b) of § 1153.1 Limitation Order L-78² as amended April 23, 1942, are hereby further amended to read as follows:

§ 1153.1 General Limitation Order L-78—(a) Definitions. For the purpose of this order:

(1) "Fluorescent lighting fixture" means any equipment employing or used in connection with an electric light source (but excluding an incandescent light source) in which (i) visible light for illuminating purposes is produced by the passage of electric current through vaporized mercury, or (ii) visible light for illuminating purposes is produced due to the effects of ultraviolet radiation on substances exposed to such radiation, including, but not limited to the following:

- (a) A hot cathode fluorescent lighting fixture,
- (b) A cold cathode (high voltage) fluorescent lighting fixture,
- (c) A rectified fluorescent lighting fixture,
- (d) A Cooper-Hewitt type fixture,
- (e) A Mercury H type fixture, and
- (f) A portable fluorescent lighting fixture known as a mechanic's lamp, any

¹ 7 F.R. 904.

² 7 F.R. 2579, 3033.

portable industrial lamp designed specifically for use in conjunction with any industrial machine, tool, assembly bench or other similar factory equipment.

"Fluorescent lighting fixture" does not include any tube, bulb, replaceable fluorescent starter and portable lamps, commonly known as bed lamps, floor lamps, wall lamps, table lamps and desk lamps.

(2) "Maintenance" means the minimum upkeep necessary to the continued safe operation of any fluorescent lighting fixture.

(3) "Repair" means the restoration of any fluorescent lighting fixture to a sound working condition after wear and tear, damage, destruction or failure of any part has made it unfit or unsafe for service.

(b) *Restrictions* — (1) *Manufacture*. On and after the effective date of Amendment No. 2 to this order, notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture or any component part of any fluorescent lighting fixture into which fixture or component part there has been incorporated any material, except:

(i) Material which was in his physical possession on April 20, 1942, and was acquired by him pursuant to orders placed by him on or before April 2, 1942, and/or

(ii) Material which was acquired by him pursuant to orders or contracts which bear a preference rating of A-2, or better, and/or

(iii) Material which was acquired by him pursuant to orders or contracts which bear any preference rating assigned under the Production Requirements Plan, and/or

(iv) Component parts of a fluorescent lighting fixture when such component parts were acquired by him from a person having physical possession of such component parts on April 20, 1942, pursuant to an order placed on or before April 2, 1942, by such person having such physical possession.

(2) *Sale and delivery*. On and after the effective date of Amendment No. 2 to this order, notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any new fluorescent lighting fixture (that is, any fluorescent lighting fixture which has never been used by an ultimate consumer) or any new component part of any fluorescent lighting fixture to any other person, except that any person may:

(i) Sell and deliver any fluorescent lighting fixture pursuant to an order or contract bearing a preference rating of A-2 or better;

(ii) Sell and deliver any component part of any fluorescent lighting fixture pursuant to an order or contract bearing a preference rating of A-2, or better, or bearing any preference rating assigned under the Production Requirements Plan;

(iii) Sell and deliver any cold cathode (high voltage) fluorescent lighting fixture;

(iv) Sell and deliver any fluorescent lighting fixture designed and constructed

for the operation of a tube, bulb, tubes or bulbs, no individual tube or bulb to have a rated wattage in excess of 30 watts;

(v) Sell and deliver any fluorescent lighting fixture or any component part of any fluorescent lighting fixture, provided the sale of such fluorescent lighting fixture or component part thereof is made to a person engaged at the time of such sale in the manufacture and assembly of fluorescent lighting fixtures;

(vi) Sell and deliver any component part of any fluorescent lighting fixture which is sold or delivered for the purposes of maintenance or repair, and

(vii) Deliver any fluorescent lighting fixture or any component part of any fluorescent lighting fixture to be used solely for purposes of demonstration, test or storage of such fluorescent lighting fixture or component part thereof; and a person having title to any fluorescent lighting fixture or component part thereof on June 2, 1942, may deliver such fluorescent lighting fixture or component part thereof from one branch, division or section of a single enterprise to another branch, division or section of such enterprise.

Limitation Order No. L-78 as amended, shall continue in effect through the first day of September, 1942, unless revoked prior to that date by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5552; Filed, June 13, 1942;
11:30 a. m.]

PART 1165—CORSETS, COMBINATIONS AND BRASSIERES

[Amendment 1 to General Limitation Order L-90]

Section 1165.1 *General Limitation Order L-90*¹ is hereby amended to read as follows:

§ 1165.1 *General Limitation Order L-90—(a) Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions*. For the purposes of this order:

(1) "Elastic fabric" means any fabric in which rubber thread is used (i) in either warp or filling (or both) of a woven fabric; (ii) in either the knit-in thread or lay-in thread (or both) of a knitted fabric.

¹ 7 F.R. 3033.

(2) "Long line brassiere" means a breast supporting garment extending more than two inches below the base of the breast.

(3) "Bandeau" means a breast supporting garment extending not more than two inches below the base of the breast.

(4) "Panel" means a section of non-elastic cloth or elastic fabric running from the bottom to the top of a corset, girdle or combination, either in the front or back.

(5) "Gore" means any tapering, triangular or rectangular piece of elastic fabric set in at either the top or the bottom of a corset, girdle or combination for the purpose of providing a horizontal stretch.

(6) "Side section" means a strip of elastic fabric running the full length of the corset or girdle, or from the bottom to the approximate waist line of a combination,—or in the case of Leno (see Class IV), to the top of a combination and so placed to provide for a horizontal stretch.

(7) "Class I garments" means corsets, jackets or belts, shaped to support and control the back, abdomen and/or breast, with bonings or stays placed at intervals to preserve their designed shape, made to effect improvement in faulty posture or to provide safe and effective support for a specific disability, or for maternity use.

(8) "Class II garments" means corsets or combinations, shaped to support the back and abdomen and/or breast, and made to provide support for sagging muscles and to relieve strain.

(c) *Restrictions on the use of elastic fabrics in the manufacture of corsets, girdles, panty girdles and combination*.

(1) Except as specifically authorized by the Director of Industry Operations, no person shall hereafter use any elastic fabrics in the manufacture of corsets, girdles, panty girdles, belts or combinations except as follows:

(i) *Class I garments*. In the manufacture of *Class I garments*, elastic fabric may be used for gores to the extent of but not exceeding 36 square inches per garment.

(ii) *Class II garments*. In the manufacture of *Class II garments*, elastic fabric may be used for gores to the extent of but not exceeding 36 square inches per garment, and elastic fabric, not exceeding ten inches in length measured horizontally and not exceeding three inches measured vertically may be used in the waist line of such garments.

(iii) *Class III garments*. In the manufacture of corsets, girdles, panty girdles and combinations, elastic fabrics (such as flat knit and woven) unsuitable for *Class I* and too wide to be cut into gores for *Class I* and *Class II* garments, without excessive waste may be used for side sections to the extent of but not exceeding 8 inches measured horizontally and 20 inches measured vertically per garment up to and including size 30 waist or 9 inches measured horizontally and 20 inches measured vertically per garment for sizes above 30 waist and elastic fabrics may be used for gores to

the extent of but not exceeding 27 square inches.

(iv) *Class IV garments.* In the manufacture of corsets, girdles, panty girdles and combinations, woven and knitted fabrics not suitable for gores in Class I garments (such as light weight woven, power net, flat knit or circular knit material, elastic laces, and elastic nets, broad loom such as elastic satin and elastic batiste) may be used for side sections to the extent of but not exceeding twelve inches in width measured horizontally and 17 inches measured vertically per garment up to and including size 30 waist, and fourteen inches measured horizontally and 17 inches measured vertically per garment for sizes above 30 waist, and elastic fabrics may be used for gores to the extent of but not exceeding 27 square inches. *Leno* fabrics to the extent of but not exceeding 20 inches measured vertically may be used for side sections in such garments. Elastic binding, banding or facing may be used on the unfinished edges of elastic fabric sections in the manufacture of such garments. Light weight woven elastic fabrics such as satin and batiste and faille not suitable for side sections may be used for up and down stretch front panels or up and down stretch back panels in the manufacture of such garments, but such elastic fabrics may not be used for both front and back panels on any one garment.

(2) *Hose supporters.* Except as specifically authorized by the Director of Industry Operations, no elastic fabric exceeding 10 linear inches per garment may be used in the manufacture of hose supporters for any corsets, girdles, panty girdles, combinations or garter belts.

(3) *Inner belts.* Except as specifically authorized by the Director of Industry Operations, no elastic fabrics may be used in inner belts unless the amount used therein plus the amount used in the side section does not exceed the maximum area as permitted in garments of Classes I, II or III.

(d) *Restrictions on knitting.* In addition to the restrictions on knitting as provided in Conservation Order No. M-124 as amended from time to time, and except as specifically authorized by the Director of Industry Operations, no person shall hereafter knit:

(i) Any fabric which employs elastic threads in both knit-in and lay-in thread, for use in the manufacture of corsets, girdles, panty girdles, combinations, brassieres or bandeaux.

(ii) Blanks of the roll-on type, except blanks which are to be cut up for side sections of Class IV garments.

(iii) Flat knit type elastic strips wider than 10 inches.

(iv) Fashioned flat knit elastic strips; or complete fashioned flat knit girdles and combinations.

(e) *Restrictions on weaving.* In addition to the restrictions on weaving as provided in Conservation Order No. M-124, as amended from time to time, and except as specifically authorized by the Director of Industry Operations, no

person shall hereafter weave, for use in the manufacture of corsets, girdles, panty girdles, combinations, brassieres, bandeaux, or garter belts, any fabric which employs elastic threads in both warp and filling.

(f) *Restrictions on use of elastic fabrics in the manufacture of brassieres, bandeaux, and garter belts.* Except as specifically authorized by the Director of Industry Operations, no person shall hereafter use any elastic fabrics in the manufacture of brassieres, bandeaux or garter belts except as follows:

(1) *Long-line brassieres.* In the manufacture of long-line brassieres, elastic fabric not suitable for gores in Class I garments may be used for gores to the extent of but not exceeding eight square inches per garment.

(2) *Bandeaux.* In the manufacture of bandeaux, elastic fabric to the extent of but not exceeding six square inches per garment may be used for inserts and closings.

(3) *Garter belts.* In the manufacture of garter belts, elastic fabric to the extent of but not exceeding ten linear inches per garment may be used in the hose supporters.

(g) *Shoulder straps.* Except as specifically authorized by the Director of Industry Operations, no person shall hereafter use elastic fabrics in the manufacture of shoulder straps for brassieres, bandeaux, and combinations in excess of five linear inches per garment.

(h) *Restrictions on knitting and cutting.* In addition to the restrictions on knitting in Conservation Order No. M-124, as amended from time to time, and except as specifically authorized by the Director of Industry Operations, no person shall, in any calendar month, knit or cut, or cause to be knit or cut by others for his account, more corsets, girdles, panty girdles, combinations, garter belts, brassieres and/or bandeaux, employing any elastic fabric or rubber yarns, other than Class I garments or corsets mentioned in paragraph (1) below, than 75% of his average knitting or cutting of all such garments during the period beginning January 1, 1941, and ending March 31, 1941.

(i) *General exceptions.* The prohibitions and restrictions contained in this order shall not apply to the manufacture, sale or delivery of any corset designed for use for surgical or medical purposes which is being produced under a specific contract or subcontract for the Army or Navy of the United States.

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of rubber yarn and fabric containing rubber yarns conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the War Production Board by letter or telegram, Ref: L-90, setting forth the pertinent facts and the reasons he considers

he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, sales and products.

(l) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Washington, D. C. Ref: L-90.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5554; Filed, June 13, 1942;
11:30 a. m.]

PART 1202—EXTENDED-SURFACE HEATING EQUIPMENT

[General Limitation Order L-107]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of extended-surface heating equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1202.1 *General Limitation Order L-107*—(a) *Definitions.* For the purposes of this order:

(1) “Extended-surface heating equipment” means apparatus used for purposes of comfort heating of spaces or of industrial heating or drying; employing a heat-exchange element (usually fin-tube construction) made essentially of steel, copper or copper-bearing alloys or other non-ferrous metals, and used to transfer heat from steam or hot water to air.

(2) “Person” means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(b) *Prohibition of delivery.* After the effective date of this order, regardless

of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, no person shall make physical delivery or accept such delivery of any new or used extended-surface heating equipment except as follows:

(1) Any such equipment may be delivered on a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission or the United States Coast Guard, as identified by a contract number issued by one of these Services.

(2) Any such equipment may be delivered if expressly authorized on Form PD-412A by the Director of Industry Operations.

(3) Any such equipment actually in transit at the time this order takes effect may be delivered to its immediate destination.

(c) *Delivery of repair parts.* Nothing in this order shall be construed to prevent the delivery of electric motors or controls necessary as repair parts; or delivery of any repaired heat-transfer element.

(d) *Reports.* All persons affected by this order shall execute and file with the War Production Board on or before the fifteenth day of each calendar month a report on Form PD-467 showing deliveries of extended-surface heating equipment during the calendar month next preceding.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(i) *Applicability of other orders.* Insofar as any order issued, or to be issued hereafter, limits the delivery of extended-surface heating equipment to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein; and nothing in this order or in any authorization under the telegraphic order of March 24 (March 25) shall be construed to authorize the delivery of any extended-surface heating equipment not produced in compliance with all other orders and regulations of the War Production Board.

(j) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Washington, D. C., Ref.: L-107.

(k) *Prior telegraphic order.* The telegraphic order of March 24 (March 25), 1942, covering unit heaters, unit ventilators, convectors and blast heating coils of types using steam or water as the heating medium, is revoked as of the time this order takes effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5548; Filed, June 13, 1942;
11:29 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Interpretation 1 to General Limitation Order L-123]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1226.1, *General Limitation Order L-123*, issued May 26, 1942:

General industrial equipment shall be considered to be delivered, within the meaning of this order, prior to the effective date of this order, when the machinery or equipment has been placed in the hands of a common or contract carrier for shipment to the purchaser prior to May 26, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5547; Filed, June 13, 1941;
11:29 a. m.]

PART 1247—CHURCH GOODS

[General Limitation Order L-136]

The fulfillment of requirements for the defense of the United States has created

a shortage in the supply of aluminum, copper, nickel, and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate for the public interest and to promote the national defense:

§ 1247.1 *General Limitation Order L-136*—(a) *Definitions.* For the purposes of this order:

(1) "Church goods" means any article of religious devotion, including but not limited to, rosary beads, crucifixes, medals and medallions, and all articles necessary for the proper conduct of religious services, including but not limited to, tabernacles, candle sticks, crucifixes, votive stands, chalices, communion and sick call sets. Church goods, however, shall not include religious jewelry or any other article imbued with patterns of religious significance to be worn on or about the person which are not recognized by the churches as being articles of religious devotion.

(2) "Restricted materials" means aluminum, cadmium, chromium, copper and copper base alloys, cork, phenolic plastics, methyl methacrylate plastics, lead (except for solder), magnesium, mercury, nickel, rhodium, rubber, silk, tin and tinplate, zinc and alloy steel (as defined in General Conservation Order M-21-a).

(3) "Put into process" means both (i) the act by which a manufacturer first changes the form of material from that form in which it was received by him, and (ii) the act of assembling materials, semi-fabricated or fabricated parts into finished church goods.

(4) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(5) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not, engaged in the production of church goods.

(b) *General restrictions.* (1) On and after the tenth calendar day following the effective date of this order no manufacturer shall put into process in the manufacture or assembly of any church goods any restricted materials.

(2) During the period of three months, beginning June 1, 1942, and ending August 31, 1942, and during each three months period thereafter until otherwise ordered by the Director of Industry Operations, no manufacturer shall put into process in the aggregate, in the manufacture or assembly of any church goods, more iron or steel than 50% of the aggregate weight of iron, steel and restricted materials put into process by him in the manufacture or assembly of such articles during the corresponding three months period of 1940.

(c) *Sale of critical materials prohibited.* On and after the effective date of this order, no manufacturer shall sell, deliver, transfer or ship to any person any iron or steel or any restricted material contained in his inventories; except:

(1) If such iron or steel or such restricted material is contained in the part of any church goods which he is permitted to manufacture or assemble under the terms of the order; or

(2) To any other manufacturer for use in the manufacture or assembly of church goods to the extent that such person is not prohibited by the terms of this order or any other order, heretofore or hereafter issued by the Director of Priorities or the Director of Industry Operations; or

(3) To fill an order for such iron or steel or restricted material placed with such manufacturer, bearing a duly applied preference rating of A-1-j or higher; or

(4) To the Defense Supplies Corporation, Metals Reserve Company, or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or to any person acting as agent for any such corporation.

(d) *Records.* All manufacturers affected by this order, shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L-136.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeal.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal by completing Form PD-417 and forwarding the same to "War Production Board, Washington, D. C., Ref: L-136". The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the

provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-5550; Filed, June 13, 1942; 11:30 a. m.]

PART 1282—BABY CARRIAGES

[Limitation Order L-152]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate for the public interest and to promote the national defense:

§ 1282.1 *General Limitation Order L-152*

(a) *Definitions.* For the purposes of this order:

(1) "Group I carriage" means any coach or cart intended for the conveyance of a baby.

(2) "Group II carriage" means any stroller intended for the conveyance of a baby.

(3) "Group III carriage" means any baby walker.

(4) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not who manufactures or assembles carriages (whether Group I, Group II or Group III).

(5) "Joining hardware" means the minimum amount of iron and steel required for nails, nuts, bolts, screws, clasps, washers, rivets and for similar joining purposes.

(6) "Restricted period" means from June 13, 1942, to July 31, 1942.

(7) "Average daily production" means the total number of finished Group I, Group II and Group III carriages produced by a manufacturer during the twelve months period ending June 30, 1941, divided by 365.

(b) *General restrictions.* (1) During the restricted period, no manufacturer's total production of all Group I, Group II and Group III carriages shall exceed 100% of his average daily production of Group I, Group II and Group III carriages, multiplied by the number of days (including Sundays and holidays) contained in the restricted period.

(2) On and after August 1, 1942, no manufacturer shall process, fabricate, work on or assemble any carriage (whether Group I, Group II or Group III) which contains any metal other than iron, steel, gold and silver.

(3) During the three months period beginning August 1, 1942 and ending October 31, 1942, no manufacturer shall process, fabricate, work on or assemble any Group I carriage which contains more than six pounds of iron and steel, exclusive of joining hardware.

(4) During the three months period beginning August 1, 1942, and ending October 31, 1942, no manufacturer shall process, fabricate, work on or assemble any Group II carriage which contains more than three pounds of iron and steel, exclusive of joining hardware.

(5) On and after August 1, 1942, no manufacturer shall process, fabricate, work on or assemble any Group III carriage containing any iron or steel other than joining hardware.

(6) During the three months period beginning November 1, 1942, and ending January 31, 1943, and for each three months period thereafter, no manufacturer shall process, fabricate, work on or assemble any Group I carriage which contains more than six pounds of iron and steel, including joining hardware.

(7) During the three months period beginning November 1, 1942 and ending January 31, 1943, and for each three months period thereafter, no manufacturer shall process, fabricate, work on or assemble any Group II carriage which contains more than three pounds of iron and steel, including joining hardware.

(8) During the three months period beginning August 1, 1942, and ending October 31, 1942, and for each three months period thereafter, no manufacturer's total production of all Group I and Group II carriages shall exceed 100% of the average quarterly finished total Group I and Group II carriages produced by him during the twelve months period ending June 30, 1941.

(9) On and after June 13, 1942, no manufacturer shall sell, lease, trade, lend, deliver, ship or transfer to any person whatsoever, any steel intended for use in the production of carriages (whether Group I, Group II or Group III) contained in his inventories, except:

(i) If such steel is contained as part of carriages (whether Group I, Group II or Group III) which such manufacturer is permitted to manufacture under the terms of this order, or

(ii) To other manufacturers of carriages (whether Group I, Group II or Group III), or

(iii) Pursuant to specific authorization of the Director of Industry Operations on Form PD-423.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(d) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to the War Production Board, Washington, D. C., Ref.: L-152.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by filling and completing Form PD-417 and forwarding the same to the War Production Board, Washington, D. C., Ref: L-152. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Application of other orders.* In so far as any other order issued by the Director of Priorities or the Director of Industry Operations, limits the use of any iron or steel in the production of baby carriages to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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11:29 a. m.]

PART 1286—PYRETHRUM

[General Preference Order M-179]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of pyrethrum for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1286.1 General Preference Order M-179—(a) Definitions. (1) "Pyrethrum" means pyrethrum flowers and the powder, dust, or extract derived therefrom.

(2) "Producer" means any person engaged in the importation or sale of pyrethrum flowers or in the processing of pyrethrum flowers to make any powder, dust, extract, or other pyrethrum-containing material.

(b) *Restrictions on deliveries.* (1) No producer shall make delivery of pyrethrum to any person unless and until he shall have been authorized or directed to do so by the Director of Industry Operations. Prior to the beginning of each calendar month beginning with July, 1942, the Director of Industry Operations will issue to all producers specific authorizations or directions covering deliveries of pyrethrum. In addition, such Director may issue during any month (including the balance of June, 1942) such authorizations or directions concerning deliveries as he may deem appropriate or necessary and he may also issue directions respecting the use or uses to which the pyrethrum whose delivery is authorized hereunder may be put. Such authorizations or directions will be based primarily upon insuring the satisfaction of all defense requirements and insofar as possible, providing an adequate supply for essential uses. Each producer, upon being informed by the Director of Industry Operations of the deliveries which such Director has authorized or directed, shall forthwith notify his customers of the extent of such authorization or direction as the same may affect them.

(2) In the event that any producer, after receiving notice from the Director of Industry Operations with respect to a delivery of pyrethrum which he has been authorized or directed to make to any specific customer during any month, shall be unable to make such delivery either because of receipt of notice of cancellation from such customer or otherwise, such producer shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorizations or directions from the Director of Industry Operations resell or otherwise dispose of the pyrethrum which he is unable to deliver as aforesaid.

(3) No person shall deliver any pyrethrum except upon receipt of a certificate of the person purchasing or accepting delivery, in substantially the following form (which certificate may be endorsed on or accompany the order for pyrethrum):

I hereby certify to the War Production Board and to the Seller or Supplier to whom this certificate is presented that the pyrethrum hereby ordered is for use as _____ and will not be used, sold, transferred or delivered by me for any other purpose. This certification is made in accordance with the terms of Order No. M-179 with which I am familiar.

By	Name of Purchaser Name and Title of Authorized Official
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The seller or supplier shall be entitled to rely on such certificate unless he knows or has reason to believe it to be false.

(c) *Placing of orders and scheduling of deliveries.* Each producer of pyrethrum shall on or before the 10th day of each month beginning with July, 1942, file with the Chemicals Branch, War Production Board, Washington, D. C., Form PD-591, in triplicate, properly executed, which shall list among other things, a schedule of deliveries of pyrethrum which such producer proposes to make in the succeeding month and the amount estimated to be available for delivery by him during such month. After such Forms have been filed with the Chemicals Branch any material change of circumstances pertaining to said Form PD-591 shall forthwith be reported to such Chemicals Branch.

(d) *Inventories restrictions.* No producer shall knowingly make, and no person shall accept delivery of pyrethrum if the inventory thereof of the person accepting the delivery is, or will by virtue of such acceptance, become in excess of a 30 days' supply in terms of orders received by such person for his finished products, on the basis of his current method and rate of operations, but this paragraph shall not be construed to prevent a person's accepting delivery thereof in the smallest practicable delivery unit as evidenced by his past experience.

(e) *Miscellaneous provisions—(1) Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(2) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-179.

(4) *Violations or false statements.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec.

2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5551; Filed, June 13, 1942;
11:31 a. m.]

PART 933—COPPER

[Interpretation 4 of Conservation Order M-9-c as Amended]

CURTAILING THE USE OF COPPER IN CERTAIN ITEMS, WITH RESPECT TO PIPES AND FITTINGS FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS

Copper Conservation Order M-9-c as amended¹ May 7, 1942 (§ 933.4) provides that no manufacturer may continue the manufacture of any article omitted from Lists "A" and "A-1" thereof, if such article is to contain copper products or copper base alloy products where the use of any less scarce material is practicable (see paragraph (d) (1)). Pipes and fittings for water supply and distribution systems (other than plumbing systems in buildings) are not on Lists "A" or "A-1" but serviceable pipes of this kind and fittings therefor (except corporation cocks and curb stops) may be made of iron or steel.

The Director of Industry Operations hereby interprets paragraph (d) (1) of Conservation Order M-9-c to mean that no manufacturer may continue the manufacture of pipes or fittings (except corporation cocks and curb stops) for use in any water supply or distribution system, if such pipes or fittings contain copper or copper base alloy material, since the substitution of less scarce material is practicable.

This interpretation does not apply to the manufacture of pipes and fittings for plumbing systems in buildings since the use of copper or copper base alloy material for such purposes is specifically prohibited by other provisions of Order M-9-c and by Order L-42.² Neither does this interpretation apply to water meters.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5570; Filed, June 15, 1942;
10:48 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

[Amendment 1 to Supplementary Limitation Order L-5-d]

Section 989.5 Supplementary Limitation Order L-5-d¹ is hereby amended in the following particulars:

¹ 7 F.R. 3424, 3660, 3745, 4205.

² 7 F.R. 951.

³ 7 F.R. 3927.

Paragraph (g) (1) is hereby amended by substituting "on or before July 3, 1942" for "on or before the tenth day after the effective date of this order".

Paragraph (g) (2) (i) is hereby amended by substituting "on or before July 3, 1942" for "within ten days of the effective date of this order".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5571; Filed, June 15, 1942;
10:49 a. m.]

PART 1046—SUPPLIERS

[Amendment 4 to Suppliers' Inventory Limitation Order L-63]

Section 1046.3 Limitation Order L-63¹ is hereby amended in the following particulars:

Subparagraph (1) of paragraph (a) is amended by striking out "(xiv) Railroad Supplies".

This amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5572; Filed, June 15, 1942;
10:49 a. m.]

PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT

[Amendment 1 to Limitation Order L-53]

Paragraph (c) Prohibition of sale of track-laying tractors of § 1107.1 Limitation Order L-53,² issued February 19, 1942, is hereby amended to read as follows:

(c) Prohibition of sale of track-laying tractors. Except pursuant to a specific release from the operation of this order which release was issued prior to June 15, 1942, or except as the Director of Industry Operations may in the future specifically direct, no producer, dealer or other authorized channel of distribution of track-laying tractors or auxiliary equipment shall sell, lease, trade, lend, deliver, ship or transfer any unused track-laying tractor or unused auxiliary equipment to any other person; and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any unused track-laying tractor or unused auxiliary equipment.

¹ 7 F.R. 2630, 3081, 3390, 3662, 3878.

² 7 F.R. 1106.

Paragraph (d) Exceptions from prohibition of sale of said § 1107.1 is hereby amended to read as follows:

(d) Exceptions from prohibition of sale. Nothing in this order shall prevent any dealer or other authorized channel of distribution or any other person from making or accepting a sale, lease, trade, loan, delivery, shipment or transfer of auxiliary equipment to be mounted on a specific track-laying tractor in the possession of an ultimate consumer.

Paragraph (i) Violations or false statements of said § 1107.1 is hereby amended to read as follows:

(i) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5568; Filed, June 15, 1942;
10:48 a. m.]

PART 1147—COLLAPSIBLE TIN, TIN-COATED, AND TIN ALLOY TUBES

[Amendment 2 of Conservation Order M-115]

Section 1147.1 Conservation Order M-115¹ is hereby further amended in the following particulars:

Paragraph (b) is amended by adding the following subparagraph:

(10) "Ultimate purchaser" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefore), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

The last paragraph of paragraph (c) is amended to read as follows:

No tube user shall pack in tubes during each of the three month periods beginning April 1, 1942, July 1, 1942 and October 1, 1942, respectively, more than 100% of the aggregate of the products listed on Table III which he packed in tubes during the corresponding three month period of 1940, or at his option no more than 25% of the aggregate of the products listed on Table III which he packed in tubes during the whole of 1940: Provided, That no tube user shall pack in tubes, during the period between April

¹ 7 F.R. 2537, 3479.

1, 1942 and December 31, 1942, inclusive, more than 100% of the aggregate of the products listed on Table III which he packed in tubes during the last nine months of 1940. All percentages above mentioned shall be based upon volumetric weight. Said percentages shall be in addition to the products listed in Table III which are packed in tubes and sold and delivered by the tube user directly to the Army or Navy of the United States, or the United States Coast Guard.

Paragraph (d) (4), as amended, is further amended to read as follows:

(4) No retailer shall sell or deliver any filled Class III tube to any ultimate purchaser (except as bona fide samples, manufactured prior to the 15th day of June 1942, which are distributed indiscriminately and without any conditions) unless such purchaser delivers to such retailer concurrently with his purchase one used tube of any kind for each tube delivered to such purchaser. All such used tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company:

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. In no case shall any consideration be paid or received for any used tubes so delivered, and no person (including, but not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall (except as otherwise expressly permitted by this paragraph (d) (4)), deliver any used tube of any kind to any person except those designated above.

Damaged or unused tubes shall, at the option of the holder, be returned for credit to the party from whom they were purchased or delivered to the Tin Salvage Institute as agent for Metals Reserve Company.

Paragraph (d) is amended by adding the following subparagraphs:

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes already packed and in the hands of retailers on the 15th day of June, 1942, holding multiple units, including filled Class III tubes, the value of which comprises not over 25% of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (4) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the

Army or Navy of the United States or of the United States Coast Guard.

(7) Compliance with the used tube exchange provision set forth in paragraph (d) (4) hereof shall not be required in connection with the sale or distribution of Class III tubes when made by the following agencies or instrumentalities of the United States Government; namely, army exchanges, ships stores, ship service stores, and marine exchanges; if made under any of the following circumstances:

(i) Distributions or sales, made aboard ship, in the territory of Alaska, or outside the continental limits of the United States.

(ii) Distributions or sales made at ports of embarkation, induction centers, receiving stations, receiving ships, to newly inducted selectees or enlistees or other persons designated by the commanding officer.

(iii) Sales or distributions made in hospitals under the jurisdiction of the armed forces of the United States to casualties of war.

Provided, however, That no tubes containing more than 7½% tin shall be sold or delivered pursuant to this subparagraph; and further provided that the exemption provided by this subparagraph shall be subject to such conditions as shall be prescribed by the appropriate authorities of that branch of the Government under whose jurisdiction the above named agencies or instrumentalities respectively operate.

Paragraph (e) (2) is amended to read as follows:

(2) Each retailer who purchases any filled Class III tubes shall furnish to the manufacturer or distributor from whom he buys a certificate, in substantially the form attached hereto as Exhibit "B", that such retailer is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order he will not use any tubes purchased from such manufacturer or distributor in violation of its terms. Only one such certificate covering all present and future purchases from a given manufacturer or distributor need be furnished by a retailer, but no manufacturer or distributor shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false; shall refuse to make further deliveries to such retailer and shall notify the War Production Board of the facts and reasons supporting such refusal.

Item 1 on Table I (Class I tubes) is amended to read as follows:

1. Preparations compounded extemporaneously for dispensing by pharmacists on legally constituted prescriptions of physicians, dentists, or veterinarians.

Item 4 on Table I (Class I tubes) is amended to read as follows:

4. Sulfonamide ointments and blood plasma.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5574; Filed, June 15, 1942;
10:49 a. m.]

PART 1169—MAHOGANY AND PHILIPPINE MAHOGANY

[Interpretation 1 of General Conservation Order M-122]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to section 1169.1, *General Conservation Order M-122*.¹

Paragraph (a) (3) of General Conservation Order M-122 excepts from the definition of war-use mahogany and war-use Philippine mahogany "such highly figured and cross grained mahogany and Philippine mahogany as is not suitable for plywood and parts, for aircraft, boats and ships, or for patterns and models". This exception permits all veneers falling within this exception to be sold freely in the usual channels of distribution. Among the veneers thus excepted are $\frac{1}{2}$ inch veneers which do not meet the requirements of aircraft construction as defined in specification AN-NN-P-511a, issued jointly by the Army and Navy. Such veneers do not meet "war-use" specifications and, therefore, are not subject to the restrictions of Conservation Order M-122. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5567; Filed, June 15, 1942;
10:48 a. m.]

PART 1252—GAGES, PRECISION MEASURING TOOLS, TESTING INSTRUMENTS, AND CHUCKS

[General Preference Order E-5]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of gages, precision measuring tools, testing instruments, and chucks for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1252.1 General Preference Order E-5—(a) Definitions. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or

agency, or any organized group of persons, whether incorporated or not.

(2) "Gage", "precision measuring tool", and "testing instrument" mean any gage or other precision device or combination of precision devices used to determine whether a product meets required specifications, excluding devices made of wood, and excluding the type of indicating, recording or measuring instrument defined in and subject to Conservation Order No. L-134¹ (§ 1244.1 of Part 1244—Instruments, Valves and Regulators Used in Industrial Processes).

(3) "Chuck" means any device used for holding a metalworking tool, or used for holding any metal object on which work is being performed in a metalworking machine, excluding special workholding devices not commonly classified as chucks.

(b) *Restrictions on deliveries of gages, precision measuring tools, and testing instruments.* (1) No person shall make or accept delivery of any gage, precision measuring tool, or testing instrument, unless such delivery bears a preference rating of A-10 or higher.

(2) No person shall make or accept delivery of any gage, precision measuring tool, or testing instrument specified on Exhibit A attached hereto purchased after the issuance date of this order and having a sales price of \$200 or more, unless a preference rating of A-10 or higher has been assigned thereto by a preference rating certificate PD-1, PD-1A, PD-3, PD-3A or by a preference rating order in the P-19 series.

(c) *Restrictions on deliveries of chucks.* No person shall make or accept delivery of any chuck unless such delivery bears a preference rating of A-10 or higher.

(d) *Revocation of General Preference Order E-1-a, revised.* (1) General Preference Order No. E-1-a,² Revised, heretofore revoked as to machine tools, is revoked as of the issuance date of this order as to gages and chucks and shall be of no further force or effect in any respect whatsoever except as present schedules are continued by subparagraph (2) below.

(2) Present deliveries of gages, precision measuring tools, testing instruments, and chucks scheduled for completion within thirty days after the issuance date of this order shall be maintained as they now stand. After such date, production and delivery of gages, precision measuring tools, testing instruments, and chucks shall be governed by Priorities Regulation No. 1 as amended from time to time.

(e) *Reports.* Each person to whom this order applies shall execute and file

with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Washington, D. C., Ref.: E-5, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Tools Branch, Washington, D. C., Ref: E-5.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT A TO GENERAL PREFERENCE ORDER
E-5

Electric gages.

Hardness testers.

Optical light wave measuring devices.

Precision type air gages.

Projectors, contour and comparator type.

Surface measuring instruments.
Tool makers' microscopes.

[F. R. Doc. 42-5569; Filed, June 15, 1942;
10:48 a. m.]

PART 1276—DOUGLAS FIR PLYWOOD (MOISTURE-RESISTANT TYPE)
[Limitation Order L-150]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Douglas Fir plywood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1276.1 Limitation Order L-150—(a)
Definitions. For the purposes of this order and the schedule attached hereto:

(1) "Producer" shall mean any manufacturer of Douglas Fir plywood.

(2) "Douglas Fir plywood" shall mean a built-up board of laminated veneers of Douglas Fir, united with a bonding agent, in which the grain of each piece is at right angles to the one adjacent to it, and which is of the type known to the trade as "moisture resistant".

(3) "Sound 1-Side" shall mean a piece of Douglas Fir plywood, meeting the following specifications: The face shall be of one or more pieces of firm smoothly cut veneer. When of more than one piece, it shall be well joined and reasonably matched for grain and color at the joints. It shall be free from knots, splits, checks, pitch pockets and other open defects. Streaks, discolorations, sapwood, shims and neatly made patches shall be admitted. The face shall present a smooth surface suitable for painting. The back shall present a solid surface with all knots in excess of one inch patched and with the following permitted: Not more than six knotholes or borer holes $\frac{1}{8}$ of an inch or less in greater dimension, splits $\frac{1}{8}$ of an inch or less in width and pitch pockets not in excess of one inch wide or three inches long or that do not penetrate through veneer to glue line. There may be any number of patches and plugs in the back.

(4) Other terms shall have the meanings assigned to them in Commercial Standard OS 45-40, effective August 20, 1940, issued by the National Bureau of Standards.

(b) *Simplified practice: Effective date.* On and after July 1, 1942, no producer shall manufacture or deliver Douglas Fir plywood, and no person shall receive Douglas Fir plywood from any producer, unless it is of one of the types and sizes set forth below, except upon the specific written authorization of the Director of Industry Operations:

¹ 7 F.R. 3938.

² 7 F.R. 221, 2384.

Item	Width	Length	Thickness
Standard panels	Inch	Inch	Inches (after sanding)
Sound 2-sides	24	60	$\frac{1}{8}$ (3 ply).
Sound 1-side	30	72	$\frac{3}{16}$ (3 ply).
	36	84	$\frac{1}{4}$ (3 ply).
	48	96	$\frac{3}{8}$ (3 ply).
Wallboard	48	60	$\frac{1}{2}$ (5 ply).
		72	$\frac{5}{8}$ (5 ply).
		84	$\frac{3}{4}$ (5 ply).
		96	$\frac{1}{2}$ (5 ply).
		108	
		120	
		132	
Sheathing	36	96	$\frac{5}{16}$ (3 ply unsanded).
	48	108	$\frac{3}{8}$ (3 ply unsanded).
		120	$\frac{1}{2}$ (3 ply or 5 ply unsanded).
		132	
		144	$\frac{3}{8}$ (3 ply or 5 ply unsanded).
Concreteform panel	36	60	$\frac{1}{4}$ (3 ply).
	48	72	$\frac{1}{2}$ (5 ply).
		84	$\frac{9}{16}$ (5 ply).
		96	$\frac{5}{8}$ (5 ply).
Automobile and industrial	(1)	(2)	$\frac{3}{4}$ (5 ply).
			$\frac{1}{4}$ (3 ply unsanded).
			$\frac{5}{16}$ (3 ply unsanded).
			$\frac{3}{8}$ (3 ply unsanded).
			$\frac{1}{2}$ (5 ply unsanded).
			$\frac{9}{16}$ (5 ply unsanded).
			$\frac{5}{8}$ (5 ply unsanded).
			$\frac{1}{16}$ (5 ply unsanded).
			$\frac{3}{4}$ (5 ply unsanded).
			$\frac{7}{8}$ (5 ply unsanded).
			$\frac{7}{8}$ (7 ply unsanded).

¹ As ordered up to 48.² As ordered up to 96.

(c) *Exceptions*—(1) *Work in process*. Nothing contained herein shall prohibit the delivery by any producer or the receipt from any producer, of any Douglas Fir plywood which was in the stock of such producer in finished form on July 1, 1942, or which had, on said date, been processed in such manner and to such extent that its manufacture in conformity with the provisions of paragraph (b) hereof would be impracticable.

(2) *Military orders*. Nothing contained herein shall prohibit the manufacture of Douglas Fir plywood which does not conform to the provisions of paragraph (b) hereof under specific contracts or orders placed by or for the account of, or to fulfill a contract with, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development, to the extent that the use of Douglas Fir plywood not complying with the provisions of paragraph (b) hereof, is required by the specifications of the prime contract.

(3) *Records covering excepted production*. Each producer shall retain in his files records showing his inventory of Douglas Fir plywood excepted under the terms of subparagraph (1) of this paragraph (c), and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board.

(d) *Appeals*. Any person whose business is affected by this Order and who considers that compliance therewith would disrupt or impair a program of war work may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(e) *Communications to the War Production Board*. All reports to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-150.

(f) *Violations*. Any person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5573; Filed, June 15, 1942; 10:49 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Amendment 18 to Revised Price Schedule 88¹—Petroleum and Petroleum Products]

CERTAIN GASOLINE, SYNTHETIC RUBBER COMPONENTS, EXEMPTION

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Three new paragraphs (c) (d) and (e) are added to § 1340.160 as set forth below:

¹ 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3552, 3576, 3895, 3963.

§ 1340.160 *Exceptions*. The following petroleum products shall be exempt from §§ 1340.151 and 1340.159:

* * * * *

(c) The following special hydrocarbon fractions utilized in the manufacture of gasoline and the components thereof and liquefied petroleum gases to the extent sold or delivered for use in the manufacture of synthetic rubber: Components of synthetic rubber, including but not limited to, butadiene and styrene; all hydrocarbons and petroleum fractions used in the manufacture of butadiene and styrene, including but not limited to ethylene, propylene, butylene, iso-butylene, propane, butane and iso-butane.

(d) Toluene manufactured from petroleum.

(e) The following to the extent sold or delivered for use in the manufacture of such toluene: base stocks from which such toluene is to be extracted, and selected charging stocks to be processed for the synthesis of such toluene.

* * * * *

§ 1340.158a Effective dates of amendments.

(r) Amendment No. 18 (§ 1340.160 (c) (d) and (e)) to Revised Price Schedule No. 88 shall become effective June 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5536; Filed, June 12, 1942; 5:19 p. m.]

PART 1340—FUEL

[Amendment 2 to Maximum Price Regulation 121¹—Miscellaneous Solid Fuels Delivered From Producing Facilities]

METHOD OF PRICE DETERMINATION

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (c) of § 1340.249 is redesignated paragraph (c) (1), subparagraphs (1) (2) (3) (4) and (5) thereof are designated subdivisions (i) (ii) (iii) (iv) and (v), and a new subparagraph (2) is added to paragraph (c) as set forth below:

§ 1340.249 Appendix A: Maximum prices for miscellaneous solid fuels delivered from producing facilities. * * *

(c) * * *

(2) In the case of any miscellaneous solid fuel for which the maximum price cannot otherwise be determined, under this section, the maximum price for the sale of such miscellaneous solid fuel by a person subject to this Maximum Price Regulation No. 121 shall be the maximum price applicable, pursuant to the provisions of paragraphs (a) (b) and (c) (1)

¹ 7 F.R. 3237, 3989.

of this section, for the most nearly similar sale of miscellaneous solid fuel by such person, taking into account similarity in:

- (i) Size, kind and quality of solid fuel;
- (ii) Quantity of solid fuel;
- (iii) Class of purchasers (e. g. domestic, commercial, industrial);
- (iv) Methods of delivery (e. g. truck, rail, etc.);
- (v) Terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at this seller's yard, dock, or terminal facilities, etc.).

Provided, That within ten days after the sale of any miscellaneous solid fuel for which the maximum price is determined under the provisions of this paragraph (c) (2), the maximum price so determined shall be reported to the Office of Price Administration in Washington, D. C., together with a statement of the reasons why the maximum price therefor could not otherwise be determined, and a full description of sale of both the miscellaneous solid fuel for which the maximum price has been so determined and the sale of miscellaneous solid fuel found to be most nearly similar thereto.

§ 1340.250a Effective dates of amendments. * * *

(b) Amendment No. 2 (§ 1340.249 (c)) to Maximum Price Regulation No. 121 shall become effective June 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5531; Filed, June 12, 1942;
5:16 p. m.]

§ 1351.159 Effective dates of amendment. * * *

(e) Amendment No. 5 (§ 1351.151a) to Revised Price Schedule No. 53 shall become effective June 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5532; Filed, June 12, 1942;
5:17 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[Maximum Price Regulation No. 162]

SALE AND RENTAL OF USED TYPEWRITERS

In the judgment of the Price Administrator the prices for the sale and rental of used typewriters have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices for the sale and rental of used typewriters prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 162 is hereby issued.

Sec.

- 1398.71 Maximum prices for the sale and rental of used typewriters.
- 1398.72 Less than maximum prices.
- 1398.73 Adjustable pricing.
- 1398.74 Notices to be posted.
- 1398.75 Evasion.
- 1398.76 Records and reports.
- 1398.77 Enforcement.
- 1398.78 Petitions for amendment.
- 1398.79 Federal and state taxes.
- 1398.80 Licensing.
- 1398.81 Applicability of the General Maximum Price Regulation.
- 1398.82 Definitions.
- 1398.83 Appendix A: Maximum prices for the rental and sale of typewriters.
- 1398.84 Effective date.

AUTHORITY: §§ 1398.71 to 1398.84, inclusive, issued under Public Law 421, 77th Cong.

§ 1398.71 Maximum prices for the sale and rental of used typewriters. (a) On and after July 1, 1942, regardless of any contract, agreement, lease, or other obli-

gation, no person shall sell, rent, or deliver a used typewriter, and no person shall buy or receive, or accept the rental of, a used typewriter in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1398.83; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales, rentals, or deliveries of used typewriters to a purchaser if, prior to July 1, 1942, such typewriters had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Nothing in this Maximum Price Regulation No. 162, or in the General Maximum Price Regulation,² shall apply to conditional sale or bailment lease contracts for the purchase of a used typewriter, entered into prior to March 6, 1942, where payment is specified to be made in periodic instalments.

§ 1398.72 Less than maximum prices. Lower prices than those established by Maximum Price Regulation No. 162, may be charged, demanded, paid or offered.

§ 1398.73 Adjustable pricing. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exemption requires extended consideration, the Administrator may, upon application, grant permission to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1398.74 Notices to be posted. (a) Every person offering to rent or sell used typewriters shall post in a conspicuous place on his premises where used typewriters are offered for sale or rent, a notice which shall set forth in legible fashion, and in its entirety, Appendix A § 1398.83) together with a statement that lower prices may be charged without violating any Regulation or Order of the Office of Price Administration.

(b) In addition, every person offering to rent used typewriters shall add to the notice:

(1) a statement that the customer may, if he chooses, arrange for the transportation of the typewriter from and to the dealer's place of business, in which event the dealer may not charge any amount on account of delivery or return of the typewriter; and

(2) a statement of the charges made by the dealer for delivery and return of rented typewriters if the dealer arranges for transportation.

§ 1398.75 Evasion. (a) The price limitations set forth in this Maximum Price Regulation No. 162 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, rental, delivery, purchase or receipt of or relating

¹ 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294.

² 7 F.R. 971, 3663.

² 7 F.R. 3153, 3330, 3666, 3990, 3991.

to used typewriters, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, trade-in or exchange allowances, rental credits on purchases, or quantity purchase discounts below those available or in effect during the period October 1 to 15, 1941, in connection with the sale or rental of a typewriter.

(2) Increasing charges, in effect during the period October 1 to 15, 1941, for deferred payment, or for any other form of instalment, or time payment or credit accounts.

(3) Increasing charges, in effect during the period October 1 to 15, 1941, for maintenance or repair service, or for shop overhauls, in connection with the sale or rental of a used typewriter.

(4) Decreasing the effective period of guarantee or warranty of performance, or of maintenance or repair service.

(5) Misrepresenting the state of repair of a used typewriter.

(6) Requiring purchasers to pay a larger proportion of transportation costs incurred in the delivery of used typewriters than the seller required purchasers of the same class to pay during the period October 1 to October 15, 1941, in connection with the sale of a used typewriter.

(7) Refusing to permit the person renting the typewriter to arrange for the delivery of the rented typewriter from and to the dealer's place of business.

(8) Lowering the quantity or quality of service customarily rendered.

§ 1398.76 Records and reports. (a) Every person offering to rent or sell typewriters shall preserve for not less than two years, accurate and complete records concerning inventories and sales or rentals of used typewriters, (including, specifically, the use to which a rented typewriter is to be put).

(b) Persons affected by this Maximum Price Regulation No. 162 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1398.77 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 162 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 162 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1398.78 Petitions for amendment. Persons seeking any modification of this Maximum Price Regulation No. 162 or

an adjustment or exception not provided for therein may file petitions for amendment in accordance with the Provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1398.79 Federal and state taxes. The net amount of any tax upon the sale or rental of typewriters imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, may be added to the maximum prices set forth in Appendix A (§ 1398.83), if the seller is liable for the payment of the tax.

§ 1398.80 Licensing. All licenses granted under § 1499.16 of the General Maximum Price Regulation,² to persons selling and renting used typewriters, shall continue in effect in accordance with the provisions of said § 1499.16.

§ 1398.81 Applicability of the General Maximum Price Regulation. The provisions of this Maximum Price Regulation No. 162 supersede the provisions of the General Maximum Price Regulation except as provided in § 1398.80 hereof, with respect to the sale or rental of used typewriters for which maximum prices are established by this Regulation.

§ 1398.82 Definitions. (a) When used in this Maximum Price Regulation No. 162, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Rebuilt typewriter" as applied to a typewriter means one which, in the process of rebuilding for delivery to the purchaser as a rebuilt typewriter, has been dismantled, cleaned, realigned, adjusted, and reassembled, its main frame refinished, and imperfect type and worn parts replaced by new type and parts;

(3) "Reconditioned" as applied to a typewriter means one which, in the process of reconditioning for delivery to the purchaser as a reconditioned typewriter, has been cleaned, realigned, adjusted, and its imperfect type and worn parts replaced;

(4) "Rough" or "as is" as applied to a typewriter means one which has not been rebuilt or reconditioned for delivery to the purchaser;

(5) "Sale at wholesale" means a sale by a person who receives delivery of a used typewriter and resells it to any person other than the ultimate consumer;

(6) "Sale at retail" means a sale to an ultimate consumer;

(7) "Typewriter" means any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents, and does not include Braille typewriters, Linotype machines, Monotype machines, shorthand writing machines, telegraphically controlled typewriters, toy typewriters, or typewriters with in-built continuous forms' handling fea-

tures, or with inbuilt front feed or form collating features;

(8) "Used" as applied to a typewriter means one which has been in the physical possession of a user for a period exceeding ninety days;

(9) "Shopworn" as applied to a typewriter means one which has been in the physical possession of a user for a period of less than ninety days;

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1398.83 Appendix A: Maximum prices for the rental and sale of typewriters. (a) The maximum price for the rental of typewriters shall be:

(1) *Typewriters manufactured since January 1, 1935.*

	Civil Service examination 1 to 3 days or less (whether or not a stand is supplied)	1/2 month or less	1 month	3 months
Office size typewriters: 14" carriage and under.....	\$2.00	\$2.25	\$3.50	\$8.75
16" carriage.....	2.00	3.25	5.50	13.75
over 20" carriage.....	2.00	5.25	9.50	23.75
Portable typewriters.....	2.00	2.00	3.00	7.50

(2) *Typewriters manufactured prior to January 1, 1935.*

	Civil Service examination 1 to 3 days or less (whether or not a stand is supplied)	1/2 month or less	1 month	3 months
Office size typewriters: 14" carriage and under.....	\$2.00	\$2.00	\$3.00	\$7.50
16" carriage.....	2.00	3.00	5.00	12.50
Over 20" carriage.....	2.00	5.00	9.00	22.50
Portable typewriters.....	2.00	2.00	3.00	7.50

(3) If the rental is for a period of more than three months, the rental rate for each additional month shall not exceed one third of the three month rental rate set forth in subparagraphs (1) and (2) of this paragraph.

(4) If the person renting the typewriter is obliged to render delivery and pick-up services in connection with the rental of the typewriter, the person renting the typewriter may add to the maximum price, as set forth in paragraph (a) of this section, a reasonable charge for such delivery service and may demand and receive the amount of such charge simultaneously with the charge for the initial rental period.

(5) The age of the typewriter shall be determined by its serial and model number.

(i) Remingtons, Royals, L. C. Smiths, Underwoods, and Woodstocks, manufac-

tured prior to January 1, 1935, have serial numbers lower than the following; machines manufactured since January 1, 1935, have serial numbers higher than the following:

Make	Model	Highest serial number of a machine manufactured prior to Jan. 1, 1935
L Remington standard.	11.....	Not manufactured prior to Jan. 1, 1935.
Remington standard.	12, 20, 30.....	Z-333,500.
Remington standard.	16.....	Z-479,000.
Remington standard.	17.....	Not manufactured prior to Jan. 1, 1935.
Remington (or Smith Premier) standard.	50, 60.....	W-134,500.
Remington (or Monarch) noiseless.	6.....	X-240,500.
Remington (or Monarch) noiseless.	10.....	X-332,500.
2. Royal.....	All models.....	1,715,000.
3. L. C. Smith.....	Standard and silent.	1,135,000.
4. Underwood.....	Standard.....	4,300,000.
Underwood.....	Noiseless.....	3,924,000.
5. Woodstock.....	5.....	400,000.

(ii) All I. B. M. Electromatics, and Burroughs machines are to be classified as manufactured since January 1, 1935.

(iii) All other makes and models not set forth above, are to be classified as manufactured prior to January 1, 1935, except that typewriters which have been rebuilt and renumbered shall be classified as manufactured prior to January 1, 1935, if the key-set tabulator mechanism is inbuilt. Those having other types of tabulator mechanism shall be classified as manufactured since January 1, 1935.

(b) The maximum price for the sale at retail of a used office size typewriter, with a ten or eleven inch carriage shall be:

Make, model, and serial No.	"Rough" or "as is"	"Reconditioned"	"Rebuilt"
BURROUGHS TYPEWRITERS			
Manual carriage return and shift:			
Machines used less than 1 year.....	Dollars 69.25	Dollars 84.25	Dollars 91.75
Machines used over 1 year but less than 2 years.....	54.25	69.25	76.75
Machines used over 2 years but less than 3 years.....	54.25	69.25	76.75
Machines used over 3 years but less than 4 years.....	48.00	63.00	70.50
Machines used over 4 years but less than 5 years.....	43.50	58.50	66.00
Machines used over 5 years.....	40.00	55.00	62.50
Electric carriage return and shift:			
Machines used less than 1 year.....	89.25	104.25	111.75
Machines used over 1 year but less than 2 years.....	71.75	86.75	94.25
Machines used over 2 years but less than 3 years.....	69.25	84.25	91.75
Machines used over 3 years but less than 4 years.....	63.00	78.00	85.50
Machines used over 4 years but less than 5 years.....	58.50	73.50	81.00
Machines used over 5 years.....	55.00	70.00	77.50

Make, model, and serial No.	"Rough" or "as is"	"Reconditioned"	"Rebuilt"	Make, model, and serial No.	"Rough" or "as is"	"Reconditioned"	"Rebuilt"
ELECTROMATICS				REMINGTON ELECTRIC (FULL ELECTRIC KEYBOARD)			
Machines used less than 1 year.....	Dollars 89.25	Dollars 104.25	Dollars 111.75	Serial X: 1,000 up.....	Dollars 20.25	Dollars 35.25	Dollars 42.75
Machines used over 1 year but less than 2 years.....	71.75	86.75	94.25	REMINGTON NOISELESS			
Machines used over 2 years but less than 3 years.....	69.25	84.25	91.75	No. 5: Any Serial.....	11.00	29.75	37.25
Machines used over 3 years but less than 4 years.....	63.00	78.00	85.50	No. 6:			
Machines used over 4 years but less than 5 years.....	58.50	73.50	81.00	2-letter prefix, first letter "Q":			
Machines used over 5 years.....	55.00	70.00	77.50	First digit 5.....	17.25	36.00	43.50
MONARCH STANDARDS AND NOISELESS				First digit 6, 7.....	23.50	42.25	49.75
Same as Remington standards or noiseless of similar model and serial number.				First digit 8 and all-letter serial.....	26.50	45.25	52.75
REMINGTON STANDARDS				No. 6 One-letter prefix "X":			
No. 10, 11 "R" models:				X 100,000 to X 157,300.....	26.50	45.25	52.75
Straight serial numbers, no letter prefix.....	11.00	26.00	33.50	X 157,301 to X 205,000.....	28.75	47.50	55.00
2-letter prefix, first letter "R":				X 205,001 to X 234,000.....	36.50	55.25	62.75
First digit 4, 5, 6, 7, 8, 9, 0, 1, 2, and later.....	11.00	26.00	33.50	X 234,001 up.....	49.00	58.75	66.25
No. 10, 11 "L" models, and No. 11, 12, 20, 30:				REMINGTON NOISELESS—RENUMBERED			
2-letter prefix, first letter "L" or "B":				Prefix "XR" or "RX":			
First digit 0, 1, 2, 3.....	11.00	26.00	33.50	No. 6:			
First digit 4, 5.....	17.25	32.25	39.75	XR 10,000 to XR 200,000.....	17.25	36.00	43.50
First digit 6, 7.....	23.50	38.50	46.00	XR 200,001 to XR 213,900.....	20.25	39.00	46.50
First digit 8 and all-letter series.....	26.50	41.50	49.00	XR 213,901 to XR 223,400.....	23.50	42.25	49.75
No. 12, 20, 30:				XR 223,401 to XR 224,400.....	26.50	45.25	52.75
Z 100,000 to Z 211,600.....	26.50	41.50	49.00	XR 224,401 to XR 226,950.....	28.75	47.50	55.00
Z 211,601 to Z 316,500.....	28.75	43.75	51.25	XR 226,951 up.....	36.50	55.25	62.75
Z 316,501 to Z 329,000.....	36.50	51.50	59.00	No. 10:			
Z 329,501 to Z 336,500.....	40.00	55.00	62.50	XR 300,000 to XR 303,400.....	36.50	55.25	62.75
Z 336,501 to Z 339,600.....	43.50	58.50	66.00	XR 303,401 up.....	40.00	58.75	66.25
Z 339,601 to Z 342,700.....	48.00	63.00	70.50	ROYAL STANDARDS			
Z 342,701 to Z 345,500.....	54.25	69.25	76.75	Nos. 1 and 5: Any serial.....	11.00	26.00	33.50
Z 345,501 up.....	69.25	84.25	91.75	No. 10, "H," "KH," "KHM," "KMM":			
No. 16:				To 950,000.....	17.25	32.25	39.75
Z 400,000 to Z 405,000.....	28.75	43.75	51.25	950,001 to 1,125,000.....	23.50	38.50	46.00
Z 405,001 to Z 438,500.....	36.50	51.50	59.00	1,125,001 to 1,340,000.....	26.50	41.50	49.00
Z 438,501 to Z 521,000.....	40.00	55.00	62.50	1,340,001 to 1,520,000.....	28.75	43.75	51.25
Z 521,001 to Z 566,000.....	43.50	58.50	66.00	1,520,001 to 1,610,000.....	36.50	51.50	59.00
Z 566,001 to Z 615,000.....	48.00	63.00	70.50	1,610,001 to 1,833,000.....	40.00	55.00	62.50
Z 615,001 to Z 646,700.....	54.25	69.25	76.75	1,833,001 to 1,990,000.....	43.50	58.50	66.00
Z 646,701 up.....	69.25	84.25	91.75	1,990,001 to 2,166,000.....	48.00	63.00	70.50
No. 50, 60:				2,166,001 to 2,492,000.....	54.25	69.25	76.75
W 100,000 to W 112,800.....	26.50	41.50	49.00	2,482,001 up.....	69.25	84.25	91.75
W 112,801 to W 126,500.....	28.75	43.75	51.25	ROYAL STANDARDS—RENUMBERED			
W 126,501 to W 130,300.....	36.50	51.50	59.00	"Y" prior to 40 series.....	26.50	41.50	49.00
W 130,301 to W 139,500.....	40.00	55.00	62.50	"Y" 40, 41, 42 series.....	28.75	43.75	51.25
W 139,501 to W 144,600.....	43.50	58.50	66.00	"SY" and "CSY" to 40 series.....	36.50	51.50	59.00
W 144,601 to W 149,200.....	48.00	63.00	70.50	"SY" and "CSY" 40, 41, 42 series.....	40.00	55.00	62.50
W 149,201 to W 153,500.....	54.25	69.25	76.75	"HY" and "KHY" prior to 40 series.....	43.50	58.50	66.00
W 153,501 up.....	69.25	84.25	91.75	"HY" and "KHY" 40, 41, 42 series.....	48.00	63.00	70.50
No. 11:				L. C. SMITH STANDARDS			
T 10,000 to T 12,000.....	40.00	55.00	62.50	No. 1, 2, 4: Any serial.....	11.00	26.00	33.50
T 12,001 to T 25,500.....	43.50	58.50	66.00	3-12", 3-14", 3-18", 5, 6-20", 6-28" any serial.....	17.25	32.25	39.75
T 25,501 to T 36,000.....	48.00	63.00	70.50	No. 7:			
T 36,001 to T 63,300.....	54.25	69.25	76.75	To 21,600.....	11.00	26.00	33.50
T 63,301 up.....	69.25	84.25	91.75	21,601 to 23,017.....	17.25	32.25	39.75
No. 17:				23,018 to 25,067.....	23.50	38.50	46.00
J 100,000 to J 154,400.....	54.25	69.25	76.75	25,067 up.....	26.50	41.50	49.00
J 154,401 up.....	69.25	84.25	91.75	No. 8 Standard:			
REMINGTON STANDARDS—RENUMBERED				To 486,000.....	17.25	32.25	39.75
No. 11:				486,001 to 850,000.....	23.50	38.50	46.00
TR 10,000 to TR 10,400.....	28.75	43.75	51.25	850,001 to 1,000,000.....	26.50	41.50	49.00
TR 10,401 up.....	36.50	51.50	59.00	1,000,001 to 1,050,000.....	28.75	43.75	51.25
No. 12, 20, 30:				1,050,001 to 1,100,000.....	36.50	51.50	59.00
ZR 300,000 to ZR 312,900.....	20.25	35.25	42.75	1,100,001 to 1,150,000.....	40.00	55.00	62.50
ZR 312,901 to ZR 319,300.....	23.50	38.50	46.00	1,150,001 to 1,270,000.....	43.50	58.50	66.00
ZR 319,301 to ZR 322,600.....	26.50	41.50	49.00	1,270,001 to 1,330,000.....	48.00	63.00	70.50
ZR 322,601 to ZR 325,500.....	28.75	43.75	51.25	1,330,001 to 1,510,000.....	54.25	69.25	76.75
ZR 325,501 up.....	36.50	51.50	59.00	1,510,001 up.....	69.25	84.25	91.75
No. 16:				L. C. SMITH SILENTS			
ZR 500,000 to ZR 502,200.....	20.25	35.25	42.75	No. 8 Silent:			
ZR 502,201 to ZR 506,400.....	23.50	38.50	46.00	To 1,150,000.....	40.00	55.00	62.50
ZR 506,401 to ZR 510,700.....	26.50	41.50	49.00	1,150,001 to 1,270,000.....	43.50	58.50	66.00
ZR 510,701 to ZR 516,400.....	28.75	43.75	51.25	1,270,001 to 1,330,000.....	48.00	63.00	70.50
ZR 516,401 up.....	36.50	51.50	59.00	1,330,001 to 1,510,000.....	54.25	69.25	76.75
No. 50:				1,510,001 up.....	69.25	84.25	91.75
WR 300,000 to WR 300,600.....	20.25	35.25	42.75	L. C. SMITH SILENTS			
WR 300,601 to WR 301,000.....	23.50	38.50	46.00	No. 8 Silent:			
WR 301,001 to WR 301,500.....	26.50	41.50	49.00	To 1,150,000.....	40.00	55.00	62.50
WR 301,501 to WR 301,750.....	28.75	43.75	51.25	1,150,001 to 1,270,000.....	43.50	58.50	66.00
WR 301,751 up.....	36.50	51.50	59.00	1,270,001 to 1,330,000.....	48.00	63.00	70.50

Make, model, and serial No.	"Rough" or "as is"	"Reconditioned"	"Rebuilt"
L. C. SMITHS SILENTS—continued	Dollars	Dollars	Dollars
1,270,001 to 1,330,000.....	48.00	66.75	74.25
1,330,001 to 1,510,000.....	54.25	73.00	80.50
1,510,001 up.....	69.25	88.00	95.50
L. C. SMITH STANDARDS—RENUMBERED			
Prefix "RA".....	23.50	38.50	46.00
Prefix "RB".....	28.75	43.75	51.25
Prefix "RC".....	40.00	55.00	62.50
SMITH PREMIER STANDARDS NO. 30, 50, 60			
Two-letter prefix, first letter "M", "X", or "W":			
First digit:			
0, 1, 2, 3.....	11.00	26.00	33.50
4.....	17.25	32.25	39.75
6.....	23.50	38.50	46.00
8 and all-letter series.....	26.50	41.50	49.00
1-letter prefix "W"—Same as Remington No. 50, 60.			
UNDERWOOD STANDARDS			
No. 4:			
To 1,900,000.....	11.00	26.00	33.50
1,900,001 up.....	17.25	32.25	39.75
No. 5:			
To 1,900,000.....	17.25	32.25	39.75
1,900,001 to 2,330,000.....	23.50	38.50	46.00
2,330,001 to 3,635,000.....	26.50	41.50	49.00
3,635,001 up.....	28.75	43.75	51.25
Nos. 3-11", 3-12", 3-14", 3-16":			
To 508,000.....	17.25	32.25	39.75
508,001 to 710,000.....	23.50	38.50	46.00
710,001 to 3,635,000.....	26.50	41.50	49.00
3,635,001 up.....	28.75	43.75	51.25
Nos. 3-18", 3-20", 3-26":			
To 112,000.....	17.25	32.25	39.75
112,001 to 145,000.....	23.50	38.50	46.00
145,001 to 3,635,000.....	26.50	41.50	49.00
3,635,001 up.....	28.75	43.75	51.25
No. 6, "S", "Master", "S-Master":			
To 4,085,000.....	28.75	43.75	51.25
4,085,001 to 4,200,000.....	36.50	51.50	59.00
4,200,001 to 4,440,000.....	40.00	55.00	62.50
4,440,001 to 4,610,000.....	43.50	58.50	66.00
4,610,001 to 4,800,000.....	48.00	63.00	70.50
4,800,001 to 5,155,000.....	54.25	69.25	76.75
5,155,001 up.....	69.25	84.25	91.75
UNDERWOOD NOISELESS			
To 3,880,000.....	28.75	47.50	55.00
3,880,001 to 3,900,000.....	36.50	55.25	62.75
3,900,001 to 3,944,000.....	40.00	58.75	66.25
3,944,001 to 3,966,000.....	43.50	62.25	69.75
3,966,001 to 4,800,000.....	48.00	66.75	74.25
4,800,001 to 5,155,000.....	54.25	73.00	80.50
5,155,001 up.....	69.25	88.00	95.50
UNDERWOOD STENCIL MACHINES			
Model "S-1", "S-2", any serial.....	23.50	38.50	46.00
WOODSTOCK STANDARDS			
No. 3, 4, 5: To 220,000.....	11.00	26.00	33.50
No. 5:			
220,001 to 250,000.....	17.25	32.25	39.75
250,001 to 300,000.....	20.25	35.25	42.75
300,001 to 325,000.....	23.50	38.50	46.00
325,001 to 355,000.....	26.50	41.50	49.00
355,001 to 375,000.....	28.75	43.75	51.25
375,001 to 400,000.....	36.50	51.50	59.00
400,001 to 435,000.....	40.00	55.00	62.50
435,001 to 470,000.....	43.50	58.50	66.00
470,001 to 500,000.....	48.00	63.00	70.50
500,001 to 570,000.....	54.25	69.25	76.75
570,001 up.....	69.25	84.25	91.75

(1) If the typewriter has a carriage wider than ten or eleven inches there

may be added to the maximum price the following amounts:

	"Rough" or "as is"	"Reconditioned"	"Rebuilt"
12" carriage.....	2.50	2.50	2.50
14" carriage.....	5.00	5.00	5.00
16", 18", 20" carriage.....	10.00	10.00	10.00
Over 20" carriage.....	15.00	15.00	15.00

(2) The maximum price for sales at retail of shopworn office typewriters of any carriage width shall be 80% of the list price of the typewriter as established by the manufacturer.

(3) No amount may be added to the maximum price because a typewriter is equipped with 44 or 46 type bars, special keyboard, special type style, a pitch other than a 10 or 12 pitch, key-set or 5, 6, or 10, hand or key-set tabulators.

(4) If a new special attachment has been installed by the seller, there may be added to the maximum price an amount equal to the list price of the attachment established by the manufacturer.

(5) If a used special attachment has been installed by the seller, there may be added to the maximum price an amount equal to 50% of the list price of the attachment established by the manufacturer.

(c) The maximum price for the sale at retail of any make or model of used portable typewriter:

(1) If equipped with four rows of keys, upper and lower case type, two color ribbon device, back spacer, right and left hand margin stops and full carriage tabulator mechanism shall be:

"Rough" or "as is"..... 27.50
 "Reconditioned"..... 38.00
 "Rebuilt"..... 42.50

(2) If equipped with the features set forth in subparagraph (1) except for the full carriage tabulator mechanism shall be:

"Rough" or "as is"..... 19.50
 "Reconditioned"..... 30.00
 "Rebuilt"..... 34.50

(3) if lacking any one or more of the following features; namely, four rows of keys, upper and lower case type, two color ribbon device, back spacer, right and left hand margin stops shall be:

"Rough" or "as is"..... 12.50
 "Reconditioned"..... 23.00
 "Rebuilt"..... 27.50

(d) The maximum price for sales at retail of shopworn portable typewriters shall be 80% of the list price of the typewriter as established by the manufacturer.

(e) The maximum price for the sale at wholesale of a used typewriter shall be 66 2/3% of the maximum retail price.

§ 1398.84 Effective date. This Maximum Price Regulation No. 162 (§§ 1398.71

to 1398.84, inclusive) shall become effective July 1, 1942.

Issued this 11th day of June 1942.
 LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-5488; Filed, June 11, 1942;
 4:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 5 to General Maximum Price Regulation¹]

WOOD AND GUM FOR NAVAL STORES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Subparagraph (14) of § 1499.9 (a) and the last sentence of paragraph (1) of § 1499.20 are amended to read as set forth below.

§ 1499.9 Commodities excepted from this General Maximum Price Regulation.
 (a) This General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities:

* * * * *

(14) Wood and gum for naval stores and gum naval stores.

* * * * *

§ 1499.20 Definitions and explanations. This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

* * * * *

(1) * * * Forest products, such as lumber and wood naval stores and mineral products, whether processed or unprocessed, shall not be deemed to be agricultural commodities.

* * * * *

§ 1499.23a Effective dates of amendments. * * *

(e) Amendment No. 5 (§ 1499.9 (a) (14) and paragraph (1) of § 1499.20) to General Maximum Price Regulation shall become effective June 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-5534; Filed, June 12, 1942;
 5:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 6 to Supplementary Regulation¹—General Maximum Price Regulation]

CERTAIN WASTE MATERIAL, EXCEPTION

A statement of the considerations involved in the issuance of this amendment

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

² 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428.

has been issued simultaneously herewith and filed with the Division of the Federal Register.

In paragraph (a) of § 1499.26, subparagraph (1) is amended to read as set forth below and subparagraph (7) is revoked:

§ 1499.26 Exceptions for certain commodities, certain sales and deliveries. (a) General Maximum Price Regulation² shall not apply to any sale or delivery of the following commodities:

(1) Waste materials including but not limited to metal, paper, cloth, and rubber scrap; *Provided*, That (i) scrap burlap and scrap bagging or bale coverings composed of jute, hemp, istic, sisal or similar fibers, and (ii) cotton mill waste, shall not be considered to be waste materials for the purpose of this Supplementary Regulation No. 1; *And provided further*, That no waste materials other than those for which specific exception is provided by subsequent subparagraphs of this paragraph sold to an industrial consumer shall be excepted from the General Maximum Price Regulation.

* * * * *

(e) Effective dates. * * *

(7) Amendment No. 6 (§ 1499.26, (a) (1), (a) (7)) to Supplementary Regulation No. 1 shall become effective June 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5533; Filed, June 12, 1942;
5:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 7 to Supplementary Regulation 1¹—General Maximum Price Regulation]

AVIATION GASOLINE, SYNTHETIC RUBBER, THEIR COMPONENTS, AND TOLUENE, EXCEPTIONS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register. Section 1499.26 is amended by adding a new subparagraph (25) to paragraph (a), as set forth below:

§ 1499.26 Exceptions for certain commodities and certain sales and deliveries. (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(25) Aviation gasoline and components, synthetic rubber and components and toluene manufactured from petroleum. (i) Aviation gasoline of 91 octane rating or higher.

(ii) The following to the extent sold or delivered for use in the manufacture of aviation gasoline of 91 octane rating or higher; components of aviation gasoline of 91 octane rating or higher, including but not limited to, alkylate, neohexane, iso-octane, hydromers, isomate, and

hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions thereof.

(iii) Synthetic rubber, including rubber of the butadiene-styrene copolymer, perbunan, neoprene, thickol, butyl, koro-seal, flammenol, and acrysol types.

(iv) The following to the extent sold or delivered for use in the manufacture of synthetic rubbers: components of synthetic rubbers, including but not limited to butadiene and styrene; all hydrocarbons and petroleum fractions used in the manufacture of butadiene and styrene, including but not limited to ethylene, propylene, butylene, iso-butylene, propane, butane, and iso-butane; hydrogen, acetaldehyde, acetylene, vinylacetylene, vinyl chloride, vinyl acetate, sebacate esters, phthalate esters, tricresyl phosphate, hydrochloric acid, calcium carbide, ethylene dichloride, dichlorethyl ether, sodium polysulfide, butylene glycol, and acrylonitrile.

(v) Toluene manufactured from petroleum.

(vi) The following to the extent sold or delivered for use in the manufacture of such toluene: Base stocks from which such toluene is to be extracted, and selected charging stocks to be processed for the synthesis of such toluene.

(vii) Duly authenticated copies of all contracts entered into after June 13, 1942, the effective date of subparagraph (25), involving the sale, purchase or exchange of the commodities exempted from General Maximum Price Regulation by this subparagraph, shall be filed by the seller with Office of Price Administration within fifteen days after the signing of such contracts, except as otherwise authorized by the Price Administrator or persons designated by him.

(e) Effective dates. * * *

(8) Amendment No. 7 (§ 1499.26 (a) (25)) to Supplementary Regulation No. 1 shall become effective June 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5537; Filed, June 12, 1942;
5:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 2¹ to Supplementary Regulation 4² to General Maximum Price Regulation³]

In § 1499.29, as amended by Amendment No. 2, the clause "Prior to January 1, 1943" erroneously appears in paragraph (a) whereas it should appear in subparagraph (15) thereto, as set forth below:

§ 1499.29 Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for cer-

tain other commodities. (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(15) Prior to January 1, 1943 to sales or deliveries to any war procurement agency of the United States Government, which includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing, of the following commodities:

* * * * *

(d) (4) Correction (§ 1499.29 (a), (a) (15)) to Amendment No. 2 to Supplementary Regulation No. 4 shall become effective as of June 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5535; Filed, June 12, 1942;
5:18 p. m.]

PART 1304—IRON AND STEEL SCRAP

[Amendment 6 to Revised Price Schedule 4¹]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1304.6, 1304.11 (f), 1304.13 (a), (c) (1), (c) (2) (i), (c) (4), (d) (1), (d) (4) Exceptions 3 and 7, (f), 1304.14 (d) (1), (e), 1304.15 (b) (1), 1304.17 are amended to read as follows:

Sections 1304.13 (c) (5) and 1304.15 (a) (2), (a) (3), (a) (4), (a) (5), (a) (6) are added and § 1304.13, (d) (4) Exception 8, § 1304.14 (d) (3), and footnote 1 to paragraph (a) § 1304.15 are revoked, and in § 1304.15 the text of paragraph (a) is redesignated (a) (1).

§ 1304.6 Commissions. (a) No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a broker purchases iron and steel scrap for sale to a consumer, such consumer may pay such broker a commission not exceeding 50 cents per gross ton.² No commission shall be payable unless (1) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (2) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (3) the broker sells the scrap to the consumer at the same price at which he purchased it; (4) the broker does not split or divide the commission, in whole or in part, with the seller or sellers of the

¹ 7 F.R. 1207, 1836, 2132, 2155, 2507, 3087, 3550, 3889.

² For grades of scrap commanding a premium for contained nickel under § 1304.13 (a) (4), the maximum commission shall be \$1.00 per gross ton.

¹ 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428.

² 7 F.R. 3153, 3330, 3666, 3990, 3991.

¹ 7 F.R. 4410.

² 7 F.R. 3724, 3942.

³ 7 F.R. 3153, 3330, 3660, 3990, 3991, 4339.

scrap, with another broker or sub-broker, or with the consumer; (5) the commission is shown as a separate item on the invoice. No commission shall be payable to a person for scrap which he prepares.

(b) Whenever a consumer shall employ, or retain in its employ or as its agent, for the purchase of iron and steel scrap, any individual who, at any time since April 3, 1941, has been engaged as the partner, officer, employee or agent of a person who is or was engaged in the business of selling iron and steel scrap to consumers, or who holds or, since April 3, 1941 has held, any direct or indirect interest, in any such person, such consumer (1) shall neither retain nor acquire any business or commercial relations with such person or with any other person owning a substantial interest in such person, or with any affiliate of such person or of such other person; and (2) shall in no event pay a commission in connection with the purchase of iron and steel scrap to any person whatsoever: *Provided, however,* That the prohibitions of this paragraph shall not apply if the arrangement for employment of such individual has been submitted to and approved by the Office of Price Administration as not designed or tending toward the evasion of the provisions of this Revised Price Schedule.

§ 1304.11 Definitions. * * *

(f) "Consumer" means a purchaser for its own consumption of iron or steel scrap—(by way of example but not by way of limitation) smelter, foundry, steel mill, briquetter, forge shop, and any governmental agency or sub-division other than the Metals Reserve Corporation.

§ 1304.13 Appendix A: Maximum prices for iron and steel scrap other than railroad scrap. (a) Basing point prices from which shipping point prices and consumers' delivered prices are to be computed.

(1) Basing point¹ prices of the base grade, No. 1 heavy melting steel.

No. 1 Heavy Melting Steel (Item 1)

Basing Point:	Price per gross ton
Pittsburgh, Pa. ²	\$20.00
Brackenridge, Pa.	20.00
Butler, Pa.	20.00
Monessen, Pa.	20.00
Midland, Pa.	20.00
Johnstown, Pa.	20.00
Sharon, Pa.	20.00
Canton, Ohio	20.00
Steubenville, Ohio	20.00
Youngstown, Ohio	20.00
Warren, Ohio	20.00
Weirton, W. Va.	20.00
Cleveland, Ohio	19.50
Cincinnati, Ohio ³	19.50
Middletown, Ohio	19.50
Portsmouth, Ohio	19.50
Ashland, Ky.	19.50
Buffalo, N. Y.	19.25
Claymont, Del.	18.75

¹ A Basing Point includes the switching district of the city named.

² The Pittsburgh Basing Point includes the switching districts of Bessemer, Homestead, Duquesne, Munhall and McKeesport, Pa.

³ The Cincinnati Basing Point includes the switching district of Newport, Kentucky.

No. 1 Heavy Melting Steel (Item 1)—Con.	
Basing Point—Con.	Price per gross ton
Coatesville, Pa.	18.75
Conshohocken, Pa.	18.75
Harrisburg, Pa.	18.75
Phoenixville, Pa.	18.75
Sparrow's Point, Md.	18.75
Chicago, Ill.	18.75
Bethlehem, Pa.	\$18.25
Kokomo, Ind.	18.25
Duluth, Minn.	18.00
Detroit, Mich.	17.85
Toledo, Ohio ⁴	17.85
St. Louis, Mo ⁵	17.50
Atlanta, Ga.	17.00
Alabama City, Ala.	17.00
Birmingham, Ala.	17.00
Los Angeles, Calif.	17.00
Pittsburg, Calif.	17.00
San Francisco, Calif. ⁶	17.00
Minnequa, Colo.	16.50
Seattle, Wash.	14.50

⁴ Toledo, Ohio shall be a basing point for Items 8, 9, 10, 11, and 12 and the basing point prices for those items shall be:

Price per gross ton
Item 8. Machine shop turnings----- \$18.85
Item 9. Mixed borings and turnings----- 13.85
Item 10. Shovelling turnings----- 13.85
Item 11. No. 2 busheling----- 13.85
Item 12. Cast iron borings----- 13.85

⁵ The St. Louis Basing Point includes the switching districts of Granite City, East St. Louis and Madison, Illinois.

⁶ The San Francisco Basing Point includes the switching districts of South San Francisco, Niles and Oakland, California.

(2) *Basing point prices of standard grades.* The basing point price of any of the following standard grades at the applicable basing point named in subparagraph (1) of this paragraph shall be the basing point price of No. 1 heavy melting steel at such basing point, plus or minus the adjustment specified below:

Standard grades	Adjustments (plus or minus)
Basic Open Hearth Grades:	
2. No. 2 heavy melting steel	-----
3. No. 1 busheling	-----
4. No. 1 bundles	-----
5. No. 2 bundles	-----
6. No. 3 bundles	-\$2.00
7. Tin-can bundles	- 4.00
8. Machine shop turnings	- 4.00
Blast Furnace Grades:	
9. Mixed borings and turnings	- 4.00
10. Shovelling turnings	- 4.00
11. No. 2 busheling	- 4.00
12. Cast iron borings	- 4.00
Electric Furnace, Acid Open Hearth and Foundry Grades—For Electric Furnace, Acid Open Hearth and Foundry Use Only: ¹	
13. Billet, bloom and forge crops	+ 5.00
14. Bar crops and plate scrap	+ 2.50
15. Cast steel	+ 2.50
16. Punchings and plate scrap	+ 2.50
17. Tube scrap	+ 3.00
18. Cut structural and plate scrap, 3 ft. and under	+ 1.00
19. Cut structural and plate scrap, 2 ft. and under	+ 1.50

¹ No Basic Open Hearth or Blast Furnace consumer may purchase any Electric Furnace, Acid Open Hearth or Foundry Grade at a price in excess of the price listed in this paragraph for the corresponding Basic Open Hearth or Blast Furnace Grade. The prices of Items 13, 25, 26 shall not exceed the prices of Basic Open Hearth and Blast Furnace Grades respectively, unless delivered to the consumer direct from the industrial producer thereof.

Standard grades	Adjustments (plus or minus)
Electric Furnace, Acid Open Hearth and Foundry Grades—For Electric Furnace, Acid Open Hearth and Foundry Use Only—Con.	-----
20. Cut structural and plate scrap, 1 ft. and under	+\$2.00
21. Cut automotive steel scrap, 3 ft. and under	-----
22. Cut automotive steel scrap, 2 ft. and under	+ .50
23. Cut automotive steel scrap, 1 ft. and under	+ 1.00
24. Automotive springs and crank- shafts	+ 1.00
25. Alloy free turnings	- 2.00
26. Heavy turnings	- .50
27. Electric furnace bundles	+ 1.00

(3) *Basing point prices of special grades.* The basing point price of any of the following special grades at the applicable basing point named in subparagraph (1) of this paragraph shall be the basing point price of No. 1 heavy melting steel at such basing point, plus or minus the adjustment specified below:

Special grades:	Adjustments (plus or minus)
28. Briquetted machine shop turn- ings	-----
29. Briquetted shovelling turn- ings	-----
30. Briquetted cast iron borings	-\$1.00
Cast iron borings—for Chemical use only:	-----
31. No. 1 chemical borings ¹	- 1.00
32. No. 2 chemical borings ¹	- 2.00

(4) *Premiums for alloy content.* With the exception of the premiums specifically authorized below or in any other price schedule or regulation issued by the Office of Price Administration, no premium may be charged for contained alloys:

1% up to 1.25% nickel content	+\$4.00
1.25% up to 1.50% nickel content	+ 5.00
1.50% up to 1.75% nickel content	+ 6.00
1.75% up to 2.00% nickel content	+ 7.00
2.00% up to 2.25% nickel content	+ 8.00
etc.	-----

No premium for nickel content may be charged for any grade having less than 1% nickel.

(ii) Where, apart from alloy content, any grade of scrap meets the specifications contained in paragraph (f) of this section for Items 13, 14, 16, 25, or 26, the following premiums above the maximum prices for such items shall be the maximum applicable for the contained alloys:

- (a) Alloy steel scrap containing less than 1% nickel, no premium for the nickel content.
- (b) Alloy steel scrap containing 1% or more nickel, \$1.00 per gross ton for each 1/4 of 1% nickel, but no premium for other contained alloys.

(c) Alloy steel scrap in which molybdenum is contained, \$2.00 per gross ton for .15% to .65% molybdenum, or \$3.00 per gross ton for over .65% molybdenum; but no premium for nickel content under 1%, or for other contained alloys. If the nickel content is 1% or more, no premium is allowable for the contained molybdenum.

(d) Alloy steel scrap conforming to specifications SAE 52,100 and sold for *Electric Furnace Use only*, \$1.00 per gross ton.

(iii) Where high manganese steel scrap containing at least 10% manganese, cut 12" x 24" x 8" and under, and suitable without further preparation for direct charging into an electric furnace, is sold for *Electric Furnace, Acid Open Hearth and Foundry use only*, a premium of \$7.00 per gross ton may be charged.

(5) *Prohibition against special preparation charges.* Except upon prior approval by the Office of Price Administration, no charge may be made for special preparation.

(6) *Grades superior to No. 1 heavy melting steel.* Except upon prior approval by the Office of Price Administration, no grade of scrap (other than those listed in this paragraph) shall command a premium over the maximum price established herein for the base grade, No. 1 heavy melting steel.

(7) *Grades inferior to No. 1 heavy melting steel.* Grades (other than those listed in this paragraph) which are inferior to the base grade, No. 1 heavy melting steel, shall be priced at the average differential below the base grade price which the seller received during the base period September 1, 1940 to January 31, 1941.

(8) *Mixed shipments.* (i) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4, are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle.

(ii) The limitation in (i) of this subparagraph shall not affect shipments involving vessel movement if each grade commanding a different maximum price under the provisions of Revised Price Schedule No. 4 is segregated in the vessel.

(iii) Where one vehicle contains exclusively grades of scrap for which premiums for alloy content are established under the provisions of this Revised Price Schedule No. 4, such premiums shall not apply (and the limitations set forth in (i) of this subparagraph shall apply), unless each such grade is segregated in the vehicle.

* * * * *

(c) *Maximum shipping point prices—*
(1) *Where shipment to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel.* * * *

(i) For shipping points located within a basing point, the price established in paragraph (a) of this section for the scrap at the basing point in which the shipping point is located, minus the applicable switching charge deduction set forth in subparagraph (5); and

(2) *Where shipment to the consumer is solely by motor vehicle.* * * *

(i) For shipping points located within a basing point, the price established in paragraph (a) of this section for the scrap at the basing point in which the shipping point is located, minus the applicable switching charge deduction set forth in subparagraph (5); and

* * * * *

(4) *Exceptions to the formula for computing shipping point prices.³* (i) At all shipping points in the United States, the maximum shipping point price for No. 1 Heavy Melting Steel Scrap (with differentials established in paragraph (a) of this section for all other grades) need not fall below \$13.00 per gross ton. In Tampa, Florida, Pensacola, Florida, Gulfport, Mississippi, Mobile, Alabama, New Orleans, Louisiana, Lake Charles, Louisiana, Port Arthur, Texas, Beaumont, Texas, Galveston, Texas, Texas City, Texas, Houston, Texas, and Corpus Christi, Texas, the maximum shipping point price need not fall below \$14.00 per gross ton for No. 1 Heavy Melting Steel Scrap (with differentials established in paragraph (a) of this section for all other grades).

(ii) The maximum shipping point price for No. 1 Heavy Melting Steel (with differentials established in paragraph (a) of this section for all other grades) at all shipping points in New York City or Brooklyn, N. Y., shall be \$15.33 per gross ton f. o. b. cars or f. a. s. vessel, or, where delivery to the consumer is solely by motor vehicle, loaded on such vehicle. The maximum shipping point prices at all shipping points in the state of New Jersey shall be computed from the most favorable basing point in terms of all-rail transportation charges.

(iii) The maximum shipping point price for No. 1 Heavy Melting Steel (with differentials established in paragraph (a) of this section for all other grades) at all shipping points within the Boston, Mass., switching district shall be \$15.05 per gross ton f. o. b. cars or f. a. s. vessel, or, where delivery to the consumer is solely by motor vehicle, loaded on such vehicle.

(5) *Switching charge deductions for shipping points within basing points.*

[Switching charge deduction]

Basing point:	Cents per gross ton
Pittsburgh, Pennsylvania	55
Brackenridge, Pennsylvania	55
Butler, Pennsylvania	28
Monessen, Pennsylvania	28
Midland, Pennsylvania	42
Johnstown, Pennsylvania	42
Sharon, Pennsylvania	42
Canton, Ohio	28
Steubenville, Ohio	28
Youngstown, Ohio	42
Warren, Ohio	42
Weirton, West Virginia	42
Cleveland, Ohio	42
Cincinnati, Ohio	28
Portsmouth, Ohio	28
Middletown, Ohio	14
Ashland, Kentucky	28
Buffalo, New York	36
Claymont, Delaware	36
Coatesville, Pennsylvania	28
Conshohocken, Pennsylvania	36

³ For Basic Open Hearth Grades, and Items 21, 22, 23, and 24, the switching charge deduction shall be 80 cents per gross ton.

Basing point—Con.	Cents per gross ton
Harrisburg, Pennsylvania	28
Phoenixville, Pennsylvania	28
Sparrow's Point, Md.	11
Chicago, Ill.	84
Bethlehem, Pennsylvania	28
Kokomo, Indiana	28
Duluth, Minnesota	28
Detroit, Michigan	53
Toledo, Ohio	42
St. Louis, Missouri	28
Atlanta, Georgia	32
Alabama City, Alabama	26
Birmingham, Alabama	32
Los Angeles, California	42
Pittsburg, California	32
San Francisco, California	42
Minnequa, Colorado	22
Seattle, Washington	38

(d) *Maximum prices delivered to the plant of a consumer.* * * *

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

Where transportation to the point of delivery includes water movement, no established charges at the dock, or any charge or cost customarily incurred at the dock, may be included in the delivered price. In lieu thereof, 75 cents per gross ton may be included in the delivered price where the movement is other than by deck scow or railroad lighter: *Provided, however,* That this maximum allowance shall be 50 cents per gross ton at Memphis, Tenn., \$1.00 per gross ton at Great Lakes ports, and \$1.25 per gross ton at New England ports. In the case of water movement by deck scow or railroad lighter, the maximum allowance shall be 50 cents per gross ton. Such allowances must be shown as a separate item on the invoice.

* * * * *

(4) In no case, however, shall the delivered price exceed the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, by more than \$1.00 plus any increase in the transportation charge from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942, with the following exceptions:

* * * * *

Exception 3. "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in § 1304.13, Appendix A, and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, Washington, North Dakota, South Dakota and Louisiana. Colorado scrap shall be remote scrap for Colorado consumers only.

Exception 7. (1) Where scrap is shipped from a New England shipping point to a consumer outside New England, the maximum transportation charges which may be added to the shipping point price shall be \$6.65 per gross ton.

(ii) Where scrap is shipped from a New England shipping point to a New England consumer, the delivered price shall not be limited to \$1.00, etc., over the price at the nearest basing point nor by the \$6.65 per gross ton transportation allowance contained in (i) of this exception. * * *

(f) *Definitions of grades referred to in paragraph (a).* All grades must be free of dirt, non-ferrous metals, or foreign material of any kind and free of excessive rust and corrosion.

Basic Open Hearth Grades

(1) *No. 1 heavy melting steel.* Clean wrought iron or steel scrap $\frac{1}{4}$ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. Individual pieces must be free from attachments and so cut as to lie flat in the charging box. No piece may weigh less than 5 pounds. May include heavy forgings, forge butts, billet, bloom, slab or bar crops not conforming to chemical analysis required for electric furnace or acid open hearth use. May include new, mashed pipe ends, original diameter 4 inches and over. May not include auto body and fender stock.

(2) *No. 2 heavy melting steel.* Wrought iron or steel scrap $\frac{1}{8}$ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. Individual pieces must be free from attachments and so cut as to lie flat in the charging box. May include mashed or unmashed pipe ends under 4 inches in diameter. May include heavy oil field or similar cable not less than 1 inch in diameter and cut to lengths of 3 feet or less. May include car sides and light plate cut 15 inches by 15 inches or under. May not include auto body and fender stock.

(3) *No. 1 Busheling.* Clean wrought iron and steel scrap $\frac{1}{16}$ inch and heavier in thickness, not exceeding 12 inches in any dimension. May not contain burnt material, cast or malleable scrap or auto body and fender material. Must be free of coated, painted, limed, or enameled stock.

(4) *No. 1 Bundles.* New black steel sheet scrap, hydraulically compressed to charging box size and weighing not less than 75 pounds per cubic foot. May contain new black sheet clippings and skeleton scrap. Must be free of paint or protective coating of any kind. May not include detinned scrap, electrical sheets, or any material over 0.5% of silicon.

(5) *No. 2 Bundles.* Body and fender scrap or similar black sheet scrap, hydraulically compressed to charging box size and weighing not less than 75 pounds per cubic foot. May include chemically detinned material. No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin. May not include galvanized, vitreous enameled stock, tin plate, terne plate or other

metal coated material. Painted or lacquered material shall not be considered as coated material. May include hydraulically compressed uncoated fence wire and light coil springs.

(6) *No. 3 Bundles.* Galvanized sheet scrap or galvanized wire hydraulically compressed into charging box size and weighing not less than 75 pounds per cubic foot. May not include terne plate or vitreous enameled stock.

(7) *Tin-can bundles.* Must be exclusively tin-coated or tin-alloyed material, reasonably clean with all contents removed, and hydraulically compressed into charging box size. Minimum weight 75 pounds per cubic foot.

(8) *Machine shop turnings.* New, clean steel turnings, including high sulphur shell turnings, free of lumps, tangled or matted material, cast-iron borings, non-ferrous metals, or excessive oil. May not contain badly rusted or corroded stock. This grade may include high sulphur turnings or shell turnings.

Blast Furnace Grades

(9) *Mixed borings and turnings.* Clean, short, steel and wrought iron turnings, drillings, screw cuttings and cast or malleable iron borings and drillings, free of stringy, bushy, tangled lumps, scale, and excessive oil.

(10) *Shovelling turnings.* Clean short, steel and wrought iron turnings, drillings, or screw cuttings free of stringy, bushy or tangled material, lumps, excessive oil or scale.

(11) *No. 2 busheling.* Cut hoops, netting, cut unbaled fence wire, light sheets, rusted car sides, cotton ties, under $\frac{1}{16}$ inch in thickness and no dimension over 8 inches. May include galvanized pipe or sheet iron. No hard steel, cast or malleable or metal coated material may be included.

(12) *Cast iron borings.* Clean cast iron borings and drillings, free of steel turnings, scale, lumps, and excessive oil.

Electric furnace, acid open hearth and foundry grades.

(13) *Billet, bloom and forge crops.* Billet, bloom, axle and heavy forge crops, not over 0.05% phosphorus or sulphur, not over 0.5% silicon and free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weight less than 10 pounds nor more than 500 pounds. Must be new material.

(14) *Bar crops and plate scrap.* Bits, jars, tool joints, shell forgings, flashings, bar crops, and plate scrap, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon, and free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches, except that flashings shall not exceed 2 feet in length, and plate scrap may not be less than $\frac{1}{2}$ inch in thickness.

(15) *Cast steel.* All cast steel not over 48 inches long or 18 inches wide, not over .05% phosphorus or sulphur, free of alloys and attachments. May include heads, gates, and risers.

(16) *Punchings and plate scrap.* Punchings from plate and structural-

steel scrap, not less than $\frac{1}{2}$ inch diameter, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon, free of alloys. Pieces must be cut 12 inches and under.

(17) *Tube scrap.* Tube scrap, seamless or welded, not over 0.05% phosphorus and sulphur, free of alloys. Not more than 18 inches in length, and not over 6 inches inside diameter. May be mashed or unmashed. Pieces over 6 inches inside diameter may be included when thoroughly flattened. Must be new material.

(18) *Cut structural and plate scrap, 3 feet and under.* Clean, open-hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than $\frac{1}{4}$ inch thick, cut to 3 feet and under. Not over 0.05% of phosphorus or sulphur.

(19) *Cut structural and plate scrap, 2 feet and under.* Clean open-hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than $\frac{1}{4}$ inch thick, cut to 2 feet and under. Not over 0.05% of phosphorus or sulphur.

(20) *Cut structural and plate scrap, 1 foot and under.* Clean open-hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than $\frac{1}{4}$ inch thick, cut to 1 foot and under. Not over 0.05% of phosphorus or sulphur.

(21) *Cut automotive steel, 3 feet and under.* Steel parts of automobiles free from attachments and non-ferrous metals. Cut 3 feet and under. May include frames, driving rods, rear-ends, front axles, and rims. No body and fender stock may be included.

(22) *Cut automotive steel, 2 feet and under.* Steel parts of automobiles free from attachments and non-ferrous metals. Cut 2 feet and under. May include frames, driving rods, rear-ends, front axles, and rims. No body and fender stock may be included.

(23) *Cut automotive steel, 1 foot and under.* Steel parts of automobiles free from attachments and non-ferrous metals. Cut 1 foot and under. May include frames, driving rods, rear-ends, front axles, and rims. No body and fender stock may be included.

(24) *Automotive springs and crankshafts.* Clean automotive springs, and crankshafts.

(25) *Alloy free turnings.* New, short, clean steel turnings, free from lumps, tangled or matted material, cast iron borings, alloys, or excessive oil, containing not more than 0.05% phosphorus or sulphur.

(26) *Heavy turnings.* Short, heavy steel turnings not over 0.05% phosphorus or sulphur. Must be free from alloys. Must weigh not less than 75 pounds per cubic foot. This grade may include rail chips.

(27) *Electric furnace bundles.* New, black steel sheet scrap hydraulically compressed into bundles 14 x 14 x 20 or smaller.

Special Grades

(28) *Briquetted machine shop turnings.* Machine shop turnings, Item 8,

compressed into a cohesive non-friable solid reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60%.

(29) *Briquetted shovelling turnings.* Shovelling turnings, Item 10, compressed into a cohesive non-friable solid reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60%.

(30) *Briquetted cast iron borings.* Cast iron borings, Item 12, compressed into a cohesive non-friable solid reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60%.

(31) *No. 1 chemical cast iron borings.* New clean cast iron borings and drillings containing not more than 1.00% oil, free from steel turnings or chips, lumps, scale, corroded or rusty material.

(32) *No. 2 chemical cast iron borings.* New clean cast iron borings and drillings containing not over 1.50% oil, free from steel turnings or chips, lumps, scale, corroded or rusty material.

§ 1304.14 Appendix B: Maximum prices for iron and steel scrap originating from railroads. * * *

(d) *Maximum prices for scrap which has lost its railroad origin, scrap originating from mines, logging roads, and similar sources and scrap originating from roads who did not within two weeks after February 9, 1942, file average price information with the Office of Price Administration.* * * *

(1) In the case of scrap rails, scrap rails 3 feet and under, scrap rails 2 feet and under, scrap rails 18 inches and under, and rails for rerolling, the maximum shipping point price shall be computed by application of the provisions of paragraphs (b) and (c) of § 1304.13, Appendix A, to the prices at the most favorable basing points in this Appendix. The switching charge deductions pursuant to the provisions of paragraph (c) (1) (i) and (c) (2) (i) of § 1304.13 shall be those listed in said paragraph, supplemented by the following switching charge deductions:

Basing Point:	Cents per gross ton
Philadelphia, Pennsylvania	14
Wheeling, West Virginia	28
Wilmington, Delaware	28
Kansas City, Missouri	32

In no case need this maximum shipping point price fall below \$14.00 per gross ton for scrap rails, \$16.00 per gross ton for scrap rails 3 feet and under, \$16.25 per gross ton for scrap rails 2 feet and under, \$16.50 per gross ton for scrap rails 18 inches and under, and \$15.50 per gross ton for rails for rerolling. The maximum delivered price shall be the shipping point price thus obtained plus transportation charges from the shipping point to the point of delivery.

* * * * *

(e) *Unprepared scrap.* (1) The maximum prices listed in paragraph (a) (1) (i) of this section of Appendix B are for prepared scrap. For such grades, in unprepared form, the maximum prices shall be \$3.50 per gross ton under the maximum prices for the corresponding grade or grades of prepared scrap.

(2) Pursuant to paragraph (a) (1) (i) and paragraph (b) (2) of this section, Appendix B, the Office of Price Administration has authorized maximum prices for prepared grades of scrap originating from railroads that filed the required average price information. For such grades, in unprepared form, the maximum prices shall be \$3.50 under the maximum prices for the corresponding grade of prepared scrap.

(3) Except as provided in (4) of this paragraph, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point as that phrase is defined in paragraph (c) of § 1304.13 hereof, until after such preparation has been completed.

(4) Where a consumer purchases grades of unprepared scrap for which maximum prices have been authorized under paragraph (a) (1) (ii), or paragraph (b) (2) of this section, the consumer may designate a dealer or dealers to prepare such scrap for its use at a maximum preparation fee of \$2.50 per gross ton. In such cases the maximum delivered price shall be the maximum delivered price applicable to an identical shipment of the unprepared scrap direct to such consumer, plus a \$2.50 per gross ton preparation fee. At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

§ 1304.15 Appendix C: Maximum price for cast iron scrap other than railroad scrap¹—(a) Maximum price at shipping point—(1) Listed grades. * * *

(2) *Prohibition against special preparation charges.* Except upon prior approval by the Office of Price Administration, no charge may be made for special preparation.

(3) *Grades superior to No. 1 cupola cast.* Except upon prior approval by the Office of Price Administration, no grade of scrap (other than miscellaneous malleable) shall command a premium over the maximum price established herein for No. 1 cupola cast.

(4) *Grades inferior to No. 1 cupola cast.* Grades (other than those listed in this paragraph) which are inferior to No. 1 cupola cast shall be priced at the average differential below the base grade price which the seller received during the base period September 1, 1940 to January 31, 1941.

(5) *Purchases by basic open hearths.* Except in the case of Item 4 (Unstripped Motor Blocks) and Item 7 (Charging Box Cast) no basic open hearth (and, in the case of Item 8, no consumer other than malleable foundry) may pay for any grade a price in excess of the price listed in this paragraph for Item 6 (Heavy Breakable Cast).

(6) *Mixed shipments.* (i) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4, are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest price grade in the vehicle.

(ii) The limitation in (i) of this subparagraph shall not affect shipments involving vessel movement if each grade commanding a different maximum price under the provisions of Revised Price Schedule No. 4 is segregated in the vessel.

(b) *Maximum price delivered to a consumer.* * * *

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation to the point of delivery includes water movement, other than by deck scow or railroad lighter, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included in the delivered price. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included in the delivered price. In the case of water movement by deck scow or railroad lighter, the maximum charge shall be 50 cents per gross ton. In any case such charges must be shown as a separate item on the invoice.

* * * * *

§ 1304.17 Appendix E: Maximum prices for iron and steel scrap imported into the United States. With the exception of the Metals Reserve Corporation, only consumers, and persons acting as brokers on behalf of specific consumers, may enter into contracts to import iron and steel scrap.

Imported scrap is at its point of delivery to a consumer when it has arrived for unloading at the consumer's plant.

No such purchase of imported scrap may be made until after the consumer has filed with the Office of Price Administration, Washington, D. C., a fully detailed statement under oath setting forth the name and address of the seller, the grade and quantity of the scrap, a detailed breakdown of all factors of which the price at the point of delivery is comprised; and until such application has been approved.

Immediately upon delivery of such scrap, the consumer must file certified copies of bills of lading covering the shipment of such scrap.

§ 1304.12a Effective date of amendments. * * *

(f) Amendment No. 6 (§§ 1304.6, 1304.11 (f), 1304.13 (a), (c) (1) (i), (c) (2) (i), (c) (4), (c) (5), (d) (1), (d) (4)) Exceptions 3, 7, and 8, (f), 1304.14 (d) (1), (d) (3), (e), 1304.15 (a) footnote 1, (a) (2), (a) (3), (a) (4), (a) (5), (a) (6), (b) 1, 1304.17) to Revised Price Schedule No. 4 shall become effective June 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of June 1942.

LEON HENDERSON,
Administrator.

¹ All prices given below are per gross ton.

PART 1308—NICKEL

NICKEL STEEL SCRAP

[Amendment 4 to Revised Price Schedule No. 8¹—Pure Nickel Scrap, Monel Metal Scrap, Stainless Steel Scrap, Nickel Steel Scrap and Other Scrap Materials Containing Nickel; Secondary Monel Ingot, Secondary Monel Shot, and Secondary Copper-Nickel Shot]

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The provision for "nickel steel scrap" in § 1308.10 (b) Appendix A is hereby revoked.

The maximum prices for nickel steel scrap are hereafter regulated by Amendment No. 6² to Revised Price Schedule No. 4³—Iron and Steel Scrap.

§ 1308.12 Effective dates of amendments. * * *

(d) Amendment No. 4 (§ 1308.10) to Revised Price Schedule No. 8 shall become effective as of June 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5539; Filed, June 13, 1942;
10:15 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 13 to Revised Tire Rationing Regulations⁴—Tires and Tubes, Retreading and Recapping of Tires and Camelback]

ELIGIBILITY FOR TIRES

Section 1315.402 (d) (4) is amended to read as follows:

Tires and Tubes for Vehicles Eligible Under List A.

* * * * *

§ 1315.402 Eligibility of List A vehicles for new tires and tubes, retreaded or recapped tires. * * *

(d) An applicant must establish:

* * * * *

(4) If the applicant desires authority to purchase a passenger type new tire of six or more ply construction, that the vehicle upon which the new tire is to be mounted cannot be satisfactorily operated in the use to which it is to be put with a tire of less than six ply construction.

* * * * *

§ 1315.1199a Effective dates of amendments.

(m) Amendment No. 13 (§ 1315.402) to Revised Tire Rationing Regulations shall become effective June 15, 1942.

¹ 7 F.R. 1224, 1836, 2132, 2474, 2818.

² Supra.

³ 7 F.R. 1207, 1836, 2132, 2155, 2507, 3087, 3550, 3889.

⁴ 7 F.R. 1027, 1089, 2106, 2107, 2541, 2638, 2948, 3237, 3552, 3830, 4176, 4336.

(Pub. Law 421, 77th Cong. 2d Sess., Jan. 30, 1942, OPM Supp. Order No. M-15-c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 13th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5541; Filed, June 13, 1942;
10:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 8 to Supplementary Regulation 1¹—General Maximum Price Regulation²]

CERTAIN USED, DAMAGED, OR WASTE MATERIALS

A Statement of the Considerations involved in the issuance of this Amendment have been issued simultaneously herewith and filed with the Division of the Federal Register. In § 1499.26 the headnote is amended to read as set forth below and a new subparagraph (26) is added to paragraph (a) as set forth below:

§ 1499.26 Exceptions for certain commodities and certain sales and deliveries.

(a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(26) Any used, damaged or waste materials sold, delivered or transferred by the War Department or the Department of the Navy of the United States: Provided, That this subparagraph shall have no application to sales, deliveries or transfers to renderers, of fat and oil bearing materials which are the waste from foods.

* * * * *

(e) Effective dates. * * *

(9) Amendment No. 8 (§ 1499.26 (a) (26)) to Supplementary Regulation No. 1 shall become effective June 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5540; Filed, June 13, 1942;
10:15 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 1 to Supplement 3³ to Ration Order 5⁴]

EMERGENCY GASOLINE RATIONING REGULATIONS

The date "July 15, 1942", set forth in the headnote to § 1394.103 and paragraph (c) thereof, is amended to read "July 14, 1942".

Amendment No. 1 to Supplement No. 3 (§ 1394.103) to Ration Order No. 5 shall

¹ 7 F.R. 3158, 3488, 3567, 3892, 4183, 4410, 4428.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

³ 7 F.R. 4454.

⁴ 7 F.R. 3482, 3524, 3554, 3577, 3723, 3782, 4233, 4453, 4454, *infra*.

become effective June 16, 1942 (Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877.)

Issued this 13th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5592; Filed, June 15, 1942;
11:51 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 5 to Ration Order 5¹]

EMERGENCY GASOLINE RATIONING REGULATIONS

In sections 1394.20, 1394.28 (c), (d) and (e), § 1394.41 (b) (1), § 1394.43 (b) (4), (e), (h) and (i) (2), as amended by Amendment No. 4, the date "July 15, 1942" is amended to read "July 14, 1942", and § 1394.7 (b) is amended to read as set forth below:

Scope of Ration Order 5

* * * * *

§ 1394.7 Effective period of Ration Order 5.

* * * * *

(b) Ration Order No. 5 (§§ 1394.1 to 1394.103, inclusive) shall be effective through July 14, 1942, and shall terminate at midnight July 14, 1942, unless extended by the Office of Price Administration.

* * * * *

Effective Date

§ 1394.61 Effective dates of amendments.

* * * * *

(e) Amendment No. 5 (§§ 1394.7, 1394.20, 1394.28 (c), (d) and (e), § 1394.41 (b) (1), § 1394.43 (b) (4), (e), (h), and (i) (2)) to Ration Order No. 5 shall become effective June 16, 1942 (Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877).

Issued this 15th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5593; Filed, June 15, 1942;
11:51 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 201—PROCEDURE FOR THE STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS

AMENDMENT TO REGULATIONS FOR ADMINISTRATION OF THE ACT OF JUNE 30, 1936

By virtue of the authority vested in me by section 4 of the Act approved June 30, 1936, 49 Stat. 2036, 41 U.S.C., secs. 35-45, I hereby amend Articles 1 and 103, Regulations No. 504, prescribed by the Secretary of Labor under Public Act No.

¹ 7 F.R. 3482, 3524, 3554, 3577, 3723, 3782, 4233, 4453, 4454, *supra*.

846, Seventy-fourth Congress (Series A), by adding provisos at the end of stipulation (c) in § 201.1 and by adding a paragraph at the end of § 201.103, so that the sections, as amended, will read as follows:

§ 201.1 *Insertion of stipulations.* Except as hereinafter directed, in every contract made and entered into by an executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment, with respect to which invitations for bids are issued on or after September 28, 1936, the contracting officer shall cause to be inserted in such invitation or the specifications and in such contract, the following stipulations:

Representations and stipulations pursuant to Public Act No. 846, Seventy-fourth Congress:

(a) The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract.

(b) All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided, however,* That this stipulation with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

(c) No person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week unless such person is paid such applicable overtime rate as has been set by the Secretary of Labor: *Provided, however,* That the provisions of this stipulation shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of an act entitled "The Fair Labor Standards Act of 1938": *Provided further,* That in the case of such an employer, during the life of the agreement referred to, the applicable overtime rate set by the Secretary of Labor shall be paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week and if such overtime is not paid, the employer shall be required to compensate his em-

ployees during that week at the applicable overtime rate set by the Secretary of Labor for hours in excess of 8 in any 1 day or in excess of 40 in any 1 week.

(d) No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) No part of the contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this paragraph.

(f) Any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of the contract, in the sum of \$10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of the contract; and, in addition, the agency of the United States entering into the contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of the contract as set forth herein may be withheld from any amounts due on the contract or may be recovered in a suit brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: *Provided,* That no claims by employees for such payments shall be entertained unless made within 1 year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

(g) The contractor shall post a copy of the stipulations in a prominent and readily accessible place at the site of the contract work and shall keep such employment records as are required in the Regulations under the act available

for inspection by authorized representatives of the Secretary of Labor.

(h) The foregoing stipulations shall be deemed inoperative if this contract is for a definite amount not in excess of \$10,000.

§ 201.103 *Overtime.* Employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment used in the performance of the contract may be employed in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week, provided such persons shall be paid for any hours in excess of such limits the overtime rate of pay which has been set therefor by the Secretary of Labor.

Until otherwise set by the Secretary of Labor the rate of pay for such overtime shall be one and one-half times the basic hourly rate or piece rate received by the employee.

If in any 1 week or part thereof an employee is engaged in work covered by the contractor's stipulations, his overtime shall be computed after 8 hours in any 1 day or after 40 hours in any 1 week during which no single daily total of employment may be in excess of 8 hours without payment of the overtime rate.

In the case of any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b)* of section 7 of an Act entitled "The Fair Labor Standards Act of 1938," the foregoing requirements shall be the same except that during the life of the agreement overtime compensation shall be payable only for hours worked in excess of 12 in any 1 day or in excess of 56 in any 1 week. If overtime is not paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week, the employer shall be required to compensate his employees during that week for overtime for hours in excess of 8 in any 1 day or in excess of 40 in any 1 week. The requirements of section 7 (b) 1 and 2 of the Fair Labor Standards Act are more fully explained in Interpretative Bulletin No. 8 of the Wage and Hour Division.

Dated: June 12, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-5590; Filed, June 15, 1942;
11:26 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

SHOE MANUFACTURING AND ALLIED INDUSTRIES

This matter is before me pursuant to a Notice of Opportunity to Show Cause (7 F.R. 3580) issued by the Assistant Administrator of the Division of Public Contracts on May 14, 1942, under the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C., sec. 35) why I should not modify my previous determination (2 F.R. 2960) issued on December 21,

1937, that the prevailing minimum wage in the Men's Welt Shoe Industry is forty (40) cents an hour:

(1) By adopting the present definition of the industry under the Fair Labor Standards Act of 1938 and by changing the title of the determination to conform to the new definition;

(2) By finding that the prevailing minimum wage in the industry is forty (40) cents an hour; and

(3) By providing that learners, handicapped persons, and apprentices may be employed in accordance with the applicable regulations for the employment of learners, handicapped workers, and apprentices issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

The notice was predicated upon evidence before the Department of Labor showing that substantially all members of the Shoe Manufacturing and Allied Industries are engaged in commerce or in the production of goods for commerce and are subject to a Wage Order, issued by the Administrator of the Wage and Hour Division on October 15, 1941, effective November 3, 1941, under the Fair Labor Standards Act of 1938, defining the Shoe Manufacturing and Allied Industries, and providing that the minimum wages paid by employers in the industry must be at least forty (40) cents an hour, which has the effect of establishing forty (40) cents per hour as the prevailing minimum wage in the Shoe Manufacturing and Allied Industries within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice was sent to members of the industry, to trade unions, trade associations, and publications, and was duly published in the FEDERAL REGISTER. No objections or protests to the proposed action have been received.

Upon consideration of the facts and circumstances, I hereby determine that:

§ 202.8 Shoe manufacturing and allied industries. (a) The title of this determination shall be: In the Matter of the Determination of the Prevailing Minimum Wage in the Shoe Manufacturing and Allied Industries.

(b) For the purpose of this determination, the term "Shoe Manufacturing and Allied Industries" means:

(1) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(2) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of subparagraph (1) but without prejudice to the generality of that subparagraph:

- Athletic shoes.
- Boots.
- Boot tops.
- Burial shoes.
- Custom made boots or shoes.
- Moccasins.
- Puttees, except spiral puttees.
- Sandals.

Shoes completely rebuilt in a shoe factory.
Slippers.

(3) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(4) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Cutsoles.	Shanks.
Midsoles.	Boxtoes.
Insoles.	Counters.
Taps.	Stays.
Lifts.	Stripping.
Rands.	Sock linings.
Toplifts.	Heel pads.
Bases.	

(5) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(6) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(7) The manufacture of pasted shoe stock.

(8) The manufacture of boot and shoe patterns.

(c) The minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C., sec. 35) for the manufacture or furnishing of the products of the Shoe Manufacturing and Allied Industries shall be forty (40) cents an hour or sixteen dollars (\$16.00) for a week of forty (40) hours, arrived at on a time or piece work basis.

Provided, That learners, handicapped workers, and apprentices may be employed in accordance with the following regulations under the Fair Labor Standards Act of 1938, which are hereby adopted for the purpose of this wage determination: Regulations Applicable to the Employment of Learners (5 F.R. 2862; Title 29, Chapter V, Code of Federal Regulations, Part 522); Regulations Applicable to the Employment of Handicapped Persons (5 F.R. 2959; Title 29, Chapter V, Code of Federal Regulations, Part 524); Regulations Applicable to the Employment of Apprentices (5 F.R. 3766; Title 29, Chapter V, Code of Federal Regulations, Part 521); and the Regulations Applicable to the Employment of Handicapped Clients in Sheltered Workshops (5 F.R. 655; Title 29, Chapter V, Code of Federal Regulations, Part 525).

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or any other law or agreement more favorable to employees than the requirements of this determination.

Nothing in this determination shall be interpreted as abrogating any obligation that may have been incurred under the previous determination for the Men's Welt Shoe Industry.

This determination shall be effective and the minimum wage herein established shall apply to contracts subject to the Walsh-Healey Public Contracts Act for the products of the Shoe Manufacturing and Allied Industries, bids for which are solicited or negotiations commenced by the contracting agency on or after July 11, 1942.

Dated: June 12, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-5587; Filed, June 15, 1942;
11:25 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

MEN'S HAT AND CAP INDUSTRY

This matter is before me pursuant to a Notice of Opportunity to Show Cause (7 F.R. 3757) issued by the Assistant Administrator of the Division of Public Contracts on May 19, 1942, under the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. sec. 35) why I should not amend the minimum wage determinations for the Men's Hat and Cap Industry, issued on July 28, 1937, and January 24, 1938 (2 F.R. 1335 and 3 F.R. 224) to include within their coverage women's hats and caps of design and construction similar to those now covered by the determinations.

The notice was predicated on an examination of Government specifications for the manufacture of hats and caps for women showing that these hats and caps are of design and construction similar to the hats and caps for men now covered by the determinations and require the same standard of workmanship.

The Notice of Opportunity to Show Cause was sent to trade unions, trade associations, and trade publications and was published in the FEDERAL REGISTER (7 F.R. 3757).

No objections or protests to the proposed action were received.

Upon consideration of the facts and circumstances,

I hereby determine:

§ 202.11 Men's hat and cap industry. That the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., sec. 35) for the manufacture or furnishing of women's hats and caps of design and construction similar to those covered by the determinations issued on July 28, 1937, and on January 24, 1938, for the Men's Hat and Cap Industry shall be the minimum wage set forth in those determinations.

Nothing in this determination shall affect such obligation for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or any other law or agreement more favorable to employees than the requirements of this determination.

Nothing in this determination shall be interpreted as abrogating any obligation that may have been incurred under the previous determinations for the industry.

This determination shall be effective and the minimum wage determined shall apply to contracts subject to the Walsh-Healey Public Contracts Act for women's hats and caps of design and construction similar to those now covered by the determinations, bids for which are solicited or negotiations commenced by the contracting agency on or after July 11, 1942.

Dated: June 12, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-5588; Filed, June 15, 1942;
11:25 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service

PART 11—FOREIGN QUARANTINE

§ 11.516 Airports of entry.

NOTE: For text of this section see Title 19,
§ 4.11 *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Subchapter W—Timber and Stone Lands

[Circular No. 1511]

PART 284—TIMBER CUTTING, SALE OR USE SALE OF DEAD, DOWN, OR DAMAGED TIMBER, OR TIMBER THREATENED WITH DAMAGE

Circular 1093, approved September 11, 1926 (51 L.D. 574) as amended by Circular 1112, approved February 25, 1927 (52 L.D. 42) and Part 284, Title 43, of the Code of Federal Regulations, based thereon, governing the sale of dead or down timber or timber killed or seriously damaged by forest fires are hereby amended as stated below:

Section 284.1 is amended by adding thereto the following paragraph:

§ 284.1 *Statutory authority.* * * * The Act of September 20, 1922 (42 Stat. 857; 16 U.S.C. 594), authorizes the Secretary of the Interior to protect and preserve from fire, disease, or the ravages of beetles, or other insects, timber owned by the United States upon the public lands and on other lands described in the Act. It is construed to confer authority to cut, remove, and sell timber from the public lands, whenever necessary for the purposes described.

Section 284.2 is amended to read:

§ 284.2 *Sale and cruise of timber.* The sale of timber of the classes described in § 284.1, will be made by a field officer designated by the Commissioner of the General Land Office.

Application to sell the timber must be made in duplicate on Form 4-173, and filed in the proper district land office.

The Register will give the application a serial number and note it on his serial number register, and will forward the original to the General Land Office, with his regular returns, and the duplicate to the officer having supervision of the sale. The Register will attach to both the original and the duplicate of the application a report giving the status of the land involved. If there is no district land office in the State, the application must be filed in the General Land Office.

The field officer having supervision of the sale, upon receipt of the duplicate application, or whenever timber of the class described is found, will cause a reconnaissance cruise to be made in order to obtain an approximate scale of the timber to be offered for sale, and will cause to be blazed, or otherwise marked, the outside boundaries of the areas from which the timber is to be sold so that they may be readily distinguishable on the ground. Reports on such cruises, with appropriate recommendations, should be promptly submitted to the General Land Office and should contain the following information:

(a) Description of the land upon which the timber is situated by township and range and legal subdivisions thereof, if surveyed, or by natural objects sufficient to identify the land, if unsurveyed.

(b) Approximate percentage of the timber on the described area that is dead, down, or damaged by fire or insects, or threatened with damage, and the nature of the threat.

(c) The approximate scale in thousand feet board measure of timber subject to sale and the kind of timber involved.

(d) The approximate market value of the timber per thousand feet board measure and the prospects of a sale in its present condition and location, and fixing a minimum stumpage price per thousand feet board measure for the timber to be cut; and

(e) The method and approximate expense of disposing of the brush, tops, lops, and other forest debris which will result from the felling and removing of the timber.

Sections 284.3 to 284.17, inclusive, and §§ 284.20 and 284.21 of Title 43 are each hereby amended by striking out the words "special agent in charge" and inserting in lieu thereof the words "officer in charge" and the heading for 43 CFR 284.1-284.22 is hereby amended to read: "Sale of Dead, Down, or Damaged Timber, or Timber Threatened with Damage."

(Sec. 1, 37 Stat. 1015 and sec. 1, 44 Stat. 890; 16 U.S.C. 614 and R.S. 453, 2478; 43 U.S.C. 2, 1201)

[SEAL] FRED W. JOHNSON,
Commissioner.

Approved: June 4, 1942.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 42-5544; Filed, June 13, 1942;
10:51 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T.D. 50654]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

USE OF CANADIAN TUGS IN ALASKAN TRAFFIC

WAIVER OF NAVIGATION LAWS

JUNE 11, 1942.

Upon the recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of the navigation laws of the United States to the extent necessary to permit Canadian tugs to tow American and Canadian vessels between (1) Pacific Coast points in the continental United States and points in Alaska and (2) points in Alaska. I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-5566; Filed, June 15, 1942;
10:32 a. m.]

Chapter IV—War Shipping Administration

[General Order No. 12]

PART 330—TERMS OF COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS

DRY CARGO VESSELS

Sec.	
330.1	Vessels included.
330.2	Effective period.
330.3	General agents defined.
330.4	Agent defined
330.5	Sub-agents defined.
330.6	Other definitions.
330.7	Compensation of agents in continental United States ports.
330.8	Compensation of agents at ports outside of continental United States.
330.9	Compensation of general agents.
330.10	Adjustment of earnings to cover deficiencies.
330.11	Adjustment for excessive compensation.
330.12	Accounting.

AUTHORITY: §§ 330.1 to 330.12, inclusive, issued under E.O. 9054, 7 F.R. 837.

§ 330.1 *Vessels included.* Sections 330.1 to 330.12 of this part are applicable to services rendered in connection with operation of dry cargo vessels under the standard form of service agreement for vessels time chartered from others for the War Shipping Administration (TCA-4-4-42) and the services rendered pursuant to standard form of service agreement for vessels of which the War Shipping Administration is owner or owner pro hac vice (GAA-4-4-42).

§ 330.2 *Effective period.* This general order shall become effective at the earliest dates permissible under said service agreements.

§ 330.3 *General agents defined.* A General Agent is one who takes care of

the vessel's business on behalf of the War Shipping Administration, under a standard form of service agreement (GAA-4-4-42), appoints agents as directed by the War Shipping Administration to handle those functions which relate to the handling of the cargo and functions incidental thereto, and assumes those duties when not otherwise instructed, obtains all accounting for all revenue and expenses and accounts to the War Shipping Administration for all business of the vessel.

§ 330.4 Agent defined. All persons, firms or corporations designated as "Agent" under a standard form of service agreement (TCA-4-4-42) shall be entitled to the compensation of Agent hereunder. In addition, where a General Agent assigns vessels to berth operators as Agents in accordance with Article 6 of the General Agent's agreement or in accordance with general policy of the War Shipping Administration, such berth operator shall be entitled to compensation as "Agent" hereunder but the compensation of such Agent shall be collected from their General Agent. General Agent shall not be held responsible for acts of an Agent appointed by or at the direction of the War Shipping Administration.

§ 330.5 Sub-agents defined. A Sub-Agent is one who is appointed by an Agent or General Agent to perform any of the functions of the General Agent or Agent pursuant to the standard form of service agreements herein above referred to, and shall be compensated by the General Agents and Agents respectively out of the compensation received by such General Agents and Agents hereunder. A foreign Sub-Agent is a Sub-Agent who performs his functions outside the continental limits of the United States and shall be compensated in accordance with § 330.8.

§ 330.6 Other definitions. (a) "Handled tons" means the number of tons of cargo (outward, way, or homeward) loaded and discharged by the vessel at each port taken care of by the Agent or a foreign Sub-Agent, as manifested on a weight or measurement basis in accordance with the practice of the trade in which operated, or the current practices approved by the War Shipping Administration. (A ton of cargo which is billed on a measurement basis for the purpose hereof shall be computed as 40 cubic feet.)

(b) "Payable tons" means the vessel tonnage husbanded by the General Agent, arrived at by adding together the deadweight tonnage of the vessel and 1/40th of the under deck bale capacity and dividing the resulting sum by 2.

(c) "Outward" means cargo loaded outward from continental U. S. Port or Ports.

(d) "Homeward" means cargo loaded at an outport for discharge at a continental U. S. Port or Ports.

(e) "Way" means cargo both loaded and discharged at ports outside the continental limits of the U. S. A.

(f) "Coastwise" means cargo handled between two ports within the continental limits of the U. S.

(g) Lumber billed on the basis of board foot measure, 600 ft. board measure shall constitute one handled ton.

(h) "Bulk cargoes" means cargoes not hand stowed, such as bulk cargoes of grain, ores, coal and similar cargoes.

§ 330.7 Compensation of agents in continental United States ports. As compensation for each handled ton of cargo loaded or discharged by the vessel in continental U. S. Ports, each Agent shall be compensated at fair and reasonable commercial rates but not in excess of the following maximum compensation out of which he will reimburse Sub-Agents:

(a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward handled at Army or Navy terminals where the Agent performs any supervisory or other substantial functions in connection with the receiving, delivering, loading, discharging or checking of the cargo otherwise no compensation shall be payable.

(b) 10¢ per handled ton for all outward and homeward bulk cargo or cargoes and for all coastwise cargo.

(c) 15¢ per handled ton for all outward Lend-Lease cargo and 12½¢ per handled ton for all such homeward or way cargo.

(d) 25¢ per handled ton for all other cargoes outward and 20¢ per handled ton for all other homeward or way cargoes. (The Administrator reserves the right to determine the reasonableness of commercial rates on bulk and other cargoes, from the effective date of this order.)

The foregoing scale of compensation is subject to the following special conditions: (1) Minimum compensation for each port of loading or discharging, \$100.00; (2) Minimum compensation for services rendered whenever a vessel enters a port for purposes other than loading or discharging shall be \$50.00 for all services in connection with entry and clearance, arrangements for pilotage and towage and other usual port services of like nature. Additional allowances may be made by the Administrator for extraordinary services in such connection.

No brokerage will be paid except with the prior approval of the Administrator and applications for such approval will not be considered unless brokerage was formerly paid in such trade.

§ 330.8 Compensation of agents at ports outside of continental United States. As compensation for services rendered outside of continental United States the Agent may pay the prevailing commercial rates (in accordance with § 330.7), but in no event in excess of the following maximum compensation to his foreign Sub-Agents whose services are utilized in this connection as follows:

(a) 2½ cents per handled ton shall be paid in connection with Army or Navy outward or homeward cargoes handled at Army or Navy terminals where the Sub-Agent performs substantial services in connection with the handling of such cargo, otherwise no compensation shall be paid therefor;

(b) 7½ cents per handled ton for outward or homeward bulk cargoes;

(c) 10 cents per handled ton for outward or homeward cargo shipped for "Lend-Lease" or Army and Navy account at commercial piers;

(d) 25 cents per handled ton for all homeward cargo and way cargo loaded, 20 cents for outward and way cargoes discharged not falling within classifications (a), (b) and (c).

The foregoing scale of compensation is subject to the following special conditions:

Minimum compensation for each port of call, \$100.00. Additional allowances may be made by the Administrator for extraordinary services.

The Administrator reserves the right to determine the prevailing commercial rates on bulk and other cargoes from the effective date of this order. No brokerage will be paid except with the prior approval of the Administrator and applications for such brokerage will not be considered unless brokerage was formerly paid in such trade.

§ 330.9 Compensation of general agents. The General Agent shall be compensated both (a) as Agent, and (b) as General Agent as herein provided. He shall receive all agency fees earned from the operation of vessels assigned to him. From the sums received under the agency formula he shall compensate all Agents as provided in Article 6 of the standard form of service agreement (GAA-4-4-42). From his compensation as General Agent the General Agent shall compensate all Sub-Agents performing services which are required to be performed by him under the service agreement. In addition to the agency fees, the General Agent shall be paid as follows:

(a) **Basic scale.** For each calendar month or prorata thereof beginning with the month in which the first vessel subject hereto is delivered to the General Agent and ending with the calendar month or prorata thereof in which the last vessel subject hereto is redelivered by the General Agent, the basic compensation, computed on the basis of payable tons of the vessels handled during each such month, shall be calculated in accordance with the following scale:

First 80,000 tons 50¢ per payable ton per month.

Next 40,000 tons 40¢ per payable ton per month.

Next 40,000 tons 30¢ per payable ton per month.

Next 40,000 tons 25¢ per payable ton per month.

Next 50,000 tons 20¢ per payable ton per month.

Over 250,000 tons 15¢ per payable ton per month.

In computing compensation hereunder all owners of vessels time chartered to the War Shipping Administration will calculate payable tons of such time chartered vessels, which payable ton months will be added to the total payable ton months of assigned vessels. Compensation shall be payable on the assigned vessels only at the rates shown above, which

would be applicable to such assigned vessels in the proper brackets after first applying tonnage of time chartered vessels.

(b) *Adjustment when vessels are idle.* The Administrator reserves the right to reduce compensation to the extent that any vessel is idle at any port for causes for which the General Agent is responsible, at the highest applicable rate hereunder.

(c) *Computation of net compensation.* In order to compute the net compensation due with respect to any calendar month, the General Agent shall:

(1) Multiply the number of payable tons of each vessel by the number of days operated each month, vessels time chartered to the War Shipping Administration and assigned vessels to be calculated separately;

(2) Divide each figure resulting from the foregoing calculation by the number of days in said calendar month, thereby obtaining the net payable tons per month on which compensation is to be based;

(3) Calculate the compensation payable at the rates and in the brackets shown on the time chartered vessels for which no bill is to be rendered, using the formula as prescribed in subparagraph (1), and then calculate the compensation payable in the lower brackets of the assigned vessels in accordance with the formula prescribed in subparagraph (1) for which compensation will be billed.

The General Agent shall, as soon as may be practicable after the close of each calendar month, render an invoice to the War Shipping Administration covering the compensation due him, computed in accordance with the foregoing.

§ 330.10 *Adjustment of earnings to cover deficiencies.* Whenever it is demonstrated to the satisfaction of the Administrator that any General Agent performing services hereunder has not earned sufficient annual income pursuant to the provisions of this order, plus other earnings against which any portion of the overhead expense is properly allocable, to cover all of such General Agent's fair and reasonable overhead expenses as determined by the Administrator, then the General Agent shall receive as additional compensation hereunder an amount equal to 85% of such deficit: *Provided, however,* That such additional compensation shall not exceed 50% of the compensation otherwise payable hereunder. (§ 330.9). The deficit shall be determined in accordance with sound accounting rules and regulations of the Administrator promulgated from time to time. In computing such deficit, the Administrator shall take into account income and overhead expense of the General Agent, any subsidiary, or other company whom the Administrator deems should be included for accounting purposes in order to determine fair and reasonable income and expense, in connection with the operation of any other vessels for the account of the War Shipping Administration, for the Agent's own account, for the account of any government or otherwise as well as the over-

head allowance included in any charter hire paid to the General Agent by the Administrator.

§ 330.11 *Adjustment for excessive compensation.* If the amount of compensation received by a General Agent or Agent hereunder, plus sums otherwise earned from other sources and allocable to overhead expense, exceeds the General Agent's or Agent's aggregate fair and reasonable overhead expense on an annual basis as determined by the Administrator, the amount of compensation payable hereunder shall be reduced to the extent of 75% of such excess; *Provided, however,* That compensation in no event shall be reduced below 25% of the compensation otherwise payable. The amount of such reduced compensation shall be determined in accordance with sound accounting rules and regulations promulgated from time to time by the Administrator. All sums earned by the General Agent or Agent, or any subsidiary or other companies whom the Administrator deems should be included for accounting purposes, from whatever source, against which any portion of such overhead expense is properly allocable, shall be taken into account in determining such reduction, including sums earned in connection with the operation of vessels for the direct account of the General Agent or Agent, for the account of the United States of America, or any foreign government or otherwise. Such determination shall also reflect allowance for overhead in charter hire paid by the Administrator under any time or bareboat charter. General Agents and Agents shall refund such excess compensation at the end of each calendar year or otherwise as may be required in fiscal regulations issued in connection herewith.

§ 330.12 *Accounting.* (a) Beginning with March 31, 1942, all General Agents and Agents will render quarterly income statements twenty-five days after the end of period, and for the calendar year not later than February 28 of the following year, covering results of all operations as General Agents and Agents under GAA & TCA agreements, vessels time chartered by W.S.A. and vessels under bareboat charter to W.S.A. as well as other operations prepared in accordance with U. S. Maritime Commission GO 22, issued February 8, 1938, and regulations as issued by the Assistant Deputy Administrator for Fiscal Affairs. Separate columns shall be used separating income as follows:

Overall total.
Income from vessels under time charter to WSA.
Income from vessels under bareboat charter to WSA.
Income under GAA & TCA agreements.
Income from other operations.

Appropriate expenses shall be allocated against such income with overhead expenses being appropriately allocated to each operation. Income statement shall be accompanied by statement giving basis of allocation of overhead, also surplus statement giving balance at be-

ginning of period and additions thereto and deductions therefrom with balance at end of period.

(b) Where a vessel is assigned to one person as General Agent and another person as Agent, the Agent shall account to the General Agent for all income and expenses (including the Agent's compensation and that paid by him to foreign sub-agents as voyage expenses), after verification of such accounts by auditors of the Administrator in the office of the Agent.

(c) The General Agent shall account to the War Shipping Administration for all income and expenses of the vessels assigned to him.

(d) Each Agent operating vessels under time charter to the War Shipping Administration shall account directly to the Administration for the income and expenses of the vessels so operated, and render monthly invoice to the Administration for his compensation.

By order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr.,
Secretary.

JUNE 12, 1942

[F. R. Doc. 42-5546; Filed, June 18, 1942;
11:19 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation No. 7]

EXCLUSION OF PERSONS OF JAPANESE ANCESTRY IN MILITARY AREA NO. 1

JUNE 8, 1942.

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

To: The People within the States of Washington, Oregon, California and Arizona, and the Public Generally:

Whereas, by Public Proclamation No. 1,¹ dated March 2, 1942, this headquarters, there was designated and established Military Area No. 1; and

Whereas, by Civilian Exclusion Orders Nos. 1 to 99 inclusive, this headquarters, all persons of Japanese ancestry, both alien and non-alien, were excluded from portions of Military Area No. 1; and

Whereas, the present situation requires as a matter of military necessity that all citizens of Japan and all persons of Japanese ancestry, both alien and non-alien, be excluded from all of Military Area No. 1:

Now, Therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Western Defense Command, do hereby declare that:

1. Civilian Exclusion Orders Nos. 1 to 99 inclusive, this headquarters, together

with all exclusions and evacuations accomplished thereunder, are hereby ratified and confirmed.

2. All citizens of Japan and all persons of Japanese ancestry, both alien and non-alien, except as provided in paragraph 3 hereof, are hereby excluded from all portions of Military Area No. 1.

3. The following persons are hereby temporarily exempted or deferred from exclusion and evacuation:

(a) Those individuals who are within the bounds of an established Wartime Civil Control Administration Assembly Center or the area of a War Relocation Authority Project, while such individuals are therein pursuant to orders or instructions of this headquarters.

(b) Those individuals who are involuntarily interned or confined in Federal, State, or local institutions and who are in the custody of Federal, State or local authorities, while such individuals are so interned or confined.

(c) Those individuals who, by written permits of this headquarters, have been heretofore or are hereafter expressly authorized to be temporarily exempted or deferred from exclusion and evacuation, subject to the terms and conditions of such permits.

4. All citizens of Japan and all persons of Japanese ancestry, both alien and non-alien, who are now in Military Area No. 1 and who are not excluded from all portions of said Area by Paragraph 2 hereof, and who are not temporarily exempted or deferred from exclusion and evacuation under Paragraph 3 hereof, shall, and they are hereby required to report in person to the nearest established Wartime Civil Control Administration Assembly Center, or, in the alternative, to the nearest Federal, State, County, or local law enforcement agency, within 8 hours from 12:00 o'clock, noon, P. W. T., June 8, 1942. Failure to so report will constitute a violation of this Proclamation.

5. Any person violating this proclamation will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled: "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and any alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5591; Filed; June 15, 1942;
11:35 a. m.]

No. 117—5

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

PUBLIC SERVICE COMPANY OF INDIANA

ORDER SEVERING DOCKETS

[Docket Nos. 490-FD, 1227-FD, 1560-FD, 1613-FD, 1877-FD, C-1, C-4, C-10]

In the matters of the applications of Public Service Company of Indiana for a determination of the status of the coal produced at the Dresser Mine, Vigo County, Indiana, in District 11, pursuant to Section 4-A of the Bituminous Coal Act of 1937.

Order severing Docket No. C-1 from Docket Nos. 490-FD, 1227-FD, 1560-FD, 1613-FD, 1877-FD, C-4 and C-10.

Applications, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937 were duly filed with this Division by the above-named party in Docket Nos. 490-FD, 1227-FD, 1560-FD, 1613-FD, 1877-FD, C-1, C-4 and C-10 requesting exemption from the provisions of section 4 of the Bituminous Coal Act of 1937. By an Order of Consolidation and Notice of and Order for Hearing of the Acting Director dated May 30, 1942, the above-mentioned dockets were consolidated and noticed for hearing.

As stated in the order and notice, the hearing is intended to concern itself with the determination of the status of coals produced at the Dresser Mine. It appears, however, that Docket No. C-1 is concerned with a certain tract of land forming a part of the Edwardsport Mine of the Applicant whereas only the remaining docket numbers set forth above have reference to the Dresser Mine. Docket No. C-1 was thus inadvertently consolidated with the other matters.

It seems advisable, in the interests of orderly procedure, to sever Docket No. C-1 and to postpone the date of the hearing on that matter.

Now, therefore, it is ordered, That Docket No. C-1 relating to the coals produced at the Edwardsport Mine is severed from Docket Nos. 490-FD, 1227-FD, 1560-FD, 1613-FD, 1877-FD, C-4, and C-10.

It is further ordered, That the hearing in Docket No. C-1 heretofore scheduled to be held on June 29, 1942, at 10 a. m. is postponed to a time and place before an Examiner to be designated by further order.

Dated: June 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5577; Filed, June 15, 1942;
11:18 a. m.]

MOORE BRANCH COAL COMPANY

CEASE AND DESIST ORDER, ETC.

[Docket No. B-162]

In the matter of George Stephens, an individual doing business under the

name of Moore Branch Coal Company, code member.

Order approving and adopting proposed findings of fact, proposed conclusions of law and recommendation of the Examiner, and cease and desist order.

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on December 2, 1941, by District Board No. 8, alleging that George Stephens, an individual doing business under the name of Moore Branch Coal Company, a code member, had wilfully violated the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel and revoke Stephens' code membership, or, in its discretion, direct code member to cease and desist from violations of the Code and rules and regulations theretunder;

A hearing in this matter having been held on February 21, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated May 18, 1942, finding that code member violated the Order of the Director dated October 9, 1940, in General Docket No. 19, by selling approximately 3,174¹ net tons of coal produced at his mine (Mine Index No. 1071), located near Hitchins, Carter County, Kentucky, in District No. 8, to various customers without first having obtained a rail classification or prices for the coal produced at his said mine, and recommending that an order be entered directing code member to cease and desist from violations of the Act, the Code, and the rules and regulations thereunder.

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, adopted as the findings of fact and conclusions of law of the undersigned; and

It is further ordered, That the code member, George Stephens, an individual doing business under the name of Moore Branch Coal Company, its representatives, agents, servants, employees, attorneys, heirs, administrators, successors and assignees, and all persons acting or

¹ On page 3 of the Examiner's Report this figure is stated as 3,774. This appears to be an obvious error since the complaint charged only a violation as to 3,174 tons.

claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal without first having obtained rail classification or prices therefor, or from otherwise violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, and the Schedule of Effective Minimum Prices for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may, upon failure of code member herein to comply with his order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: June 13, 1942.

* [SEAL] DAN H. WHEELER,
Acting Director.
[F. R. Doc. 42-5578; Filed, June 15, 1942;
11:18 a. m.]

[Docket No. 1781-FD]

MATTHEW PHILLIPS, CODE MEMBER

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE REPORT OF THE EXAMINER, DENYING EXCEPTIONS AND REQUEST FOR ORAL ARGUMENT, AND REVOKING CODE MEMBERSHIP

This proceeding was instituted upon a complaint, dated June 25, 1941, which was filed by District Board 6, with the Bituminous Coal Division (the "Division") pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"). As amended, the complaint alleges that Matthew Phillips, a code member in District 6, wilfully violated the Bituminous Coal Act of 1937, the Schedule of Effective Minimum Prices, and the Marketing Rules and Regulations by selling, during January and February 1941, "to various consumers from a tipple in Chester, West Virginia, located fourteen miles from said mine and to which the producer trucked said coal."

545.46 net tons of 3" lump coal.
132.93 net tons of 1 1/4" x 3" egg coal.
44.62 net tons of 5/8" x 1 1/4" nut and pea coal.

14.97 net tons of run of mine coal.
32.51 net tons of 5/8" slack coal.

produced at said mine at less than the effective minimum prices therefor of

\$2.65 per net ton for 3" lump coal.
2.20 per net ton for 1 1/4" x 3" egg coal.
2.10 per net ton for 5/8" x 1 1/4" nut and pea coal.

2.10 per net ton for run of mine coal.
1.80 per net ton for 5/8" slack coal.

plus "at least the actual cost of transportation" from the transportation facilities at said mine to said point of delivery.

The complaint requests that the Division either cancel and revoke Matthew Phillips' membership in the Code or, in its

discretion, direct him to cease and desist from violations of the Code and the rules and regulations thereunder.

Code member filed an answer denying the sales alleged in the complaint and denying that any such sales were made at less than the effective minimum prices, but admitting failure to add the transportation costs from the mine to the tipple and requesting dismissal of the complaint. After due notice and pursuant to an appropriate order, a hearing was held before W. A. Cuff, on December 4-6, 1941, at a hearing room of the Division in Wheeling, West Virginia.¹ All interested persons were afforded an opportunity to be present and participate fully in the hearing. Complainant and code member appeared.

On January 15, 1942, code member filed a brief contending that the proceeding should be dismissed, or that code member should be saved from payment of a tax. Thereafter, the Examiner made his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation, dated April 28, 1942, finding that code member wilfully violated the provisions of sections 4 II (e) and 4 II (g) of the Act, the Code, and Price Instruction No. 6 in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments by selling, during January and February 1941, various specified tonnages of certain coals at prices less than the effective minimum prices for such coal, f. o. b. the mine, plus an amount at least equal to the actual cost of transporting such coal from the mine to a tipple 14.6 miles from the mine at which all charges were assumed and directly paid by the purchaser.² The Examiner found that any amounts above the minimum prices f. o. b. the mine (usually 10 cents per ton) at which code member's coals were sold at the tipple were insufficient to cover the amount of the cost of transportation. It was further found that code member had actual knowledge of or was charged with notice of the provisions of Price Instruction No. 6. The Examiner found that it was no defense against Phillips' wrongful acts that he had inadequate accounting methods or that he had other businesses in conducting which he employed some of the same trucks and drivers. There was no evidence, the Examiner found, of any attempt by code member to estimate his actual cost of transportation in good faith and in a reasonable manner as permitted under Price Instruction No. 6. The Examiner recommended that an order be entered revoking and cancelling

¹ Previous hearings were held in Fairmont, West Virginia, October 13, 1941, and Zanesville, Ohio, December 1, 1941. Continuances were granted and changes in the place of hearing were made at the instance of the code member.

² Price Instruction No. 6 provides, *inter alia*, that there be added to the effective minimum f. o. b. mine price the cost of transportation from the mine to any point, other than the transportation facilities at the mine, at which point the coal is sold. Clearly, in this case, the sales at the tipple were made at a point other than the transportation facilities at the mine.

the code membership of Matthew Phillips.

On May 18, 1942, code member filed exceptions to the Examiner's Report, together with a request for oral argument and reopening of the case for further hearing. In his exceptions, code member incorporated his previously-filed brief by reference.

Exceptions I and II are taken to the wording of the complaint. The complaint charges violation of the Act "as amended" whereas the violations occurred prior to the amendment of the Act. Also the complaint does not specifically mention Price Instruction No. 6, although it does contain allegations indicating violations of the price schedule of which Price Instruction No. 6 is a part. Code member does not show that he was in any way prejudiced by those alleged deficiencies.³ It should not be forgotten that so long as code member is given adequate notice of the violations with which he is charged, and the requirements of fairness are observed, administrative procedures are not to be measured by the niceties of the rules of common law pleading. Code member's Exceptions I and II are sheer logomachy and are overruled.

Exceptions III, IV, VIII, and XI are directed to an alleged failure to show that the violations were wilful. The same argument was made to the Examiner. I find that it is fully discussed and answered in his Report, which I adopt as reflecting my views.

Exceptions VI⁴ attacks the constitutionality of Price Instruction No. 6 on the ground that it violates the Fifth Amendment of the United States Constitution. As Congress recognized in section 4 II (g) of the Act, the minimum price structure can be completely subverted by the absorption of transportation costs. The price instruction is simply designed to prevent evasion of price requirements admittedly constitutional, Exception VI, therefore, is overruled.

The credibility of a witness and the sufficiency of the evidence relied on by the examiner are also challenged.⁵ It is asserted that the testimony of a Compliance Agent, a witness for complainant, is unreliable. The Examiner, it is claimed, "condemned" this witness. Although the Examiner did state in the record that the witness had testified in an unsatisfactory manner, he further stated that he did not intend his remarks to reflect upon the witness' credibility or good faith. The contention that Exhibit 12, which was a computation of the cost of hauling coal from code member's mine, Mine Index No. 23, to his tipple, is incompetent because prepared by this Compliance Agent is without merit. Many of the constituent cost items, such as charges for gasoline and oil, tires and tubes, labor, repairs, and depreciation expense, were derived in whole or in part from information stated to have been furnished by code member himself.

³ Code member did not make these objections at the hearing.

⁴ There is no Exception V.
⁵ See Exceptions VII-XII.

Moreover, the Examiner's conclusion that code member failed to add the cost of transportation or to make any reasonable attempt to comply with the Price Instruction is confirmed by the testimony of other witnesses.⁶

The Examiner's computation of the tax on the basis of the minimum price of 3" lump coal is also assailed on the ground that the coal involved was in fact 2" lump.⁷ I approve the finding of the Examiner which accords with the testimony of the Compliance Agent and a memorandum made by code member's bookkeeper in code member's presence and signed with his name and her initials. This memorandum, based on sales slips of unquestionable accuracy, specifically identifies the coals as 3" lump, notwithstanding code member's testimony at the hearing that he had a 2" screen. Even assuming that a 2" screen was installed at the tipple, the presence of such a screen, as the Examiner noted, does not negative the existence of another screen capable of producing 3" lump coal.⁸

The Examiner held that it was irrelevant⁹ that code member's competitors did not complain of his violations and that code member ceased to sell coal at his tipple about February 28, 1941, after receiving a letter from the Director. Exception X challenges such conclusions. Manifestly, the presence or absence of complaints by neighbors can neither prove nor disprove code member's failure to add transportation costs to his minimum prices. Further, abandonment of a violation after its discovery does not show that it never occurred. I am not persuaded that code member acted in good faith. I believe that in view of the substantial tonnage involved, the duration of the violations, the extent of the underpricing, and code member's indifference to the requirements of the Code and the Rules and Regulations, revocation of code membership is thoroughly justified.

At the hearing code member objected to the admission into evidence of an offer of settlement which he filed with the Division before the hearing took place. The question of the admissibility of this document was referred to me for determination. A code member may, in making an offer of settlement, state that it is to be regarded "without prejudice to any position that may be taken by the code member on the formal hearing in the proceeding in the event that the application is not granted," as is provided in

⁶ It may be noted that the record does not reveal code member himself as an entirely satisfactory witness.

⁷ See Exceptions VII and XII.

⁸ Further, sustaining this exception would avail code member nothing for, were the coal considered as being 2" lump coal, the sales would have been made at only 25 cents above the effective minimum price therefor. This amount, as the record shows, would be insufficient to cover the actual cost of transportation from his Mine Index No. 23 to the tipple.

⁹ I assume the Examiner was not using this word in a strictly technical sense. These enumerated factors may be relevant in that they were admissible, although I do not deem them significant or controlling here.

§ 301.132 (c) (viii) of the procedural rules governing applications based upon admissions for disposition of compliance proceedings without formal hearings. Where such a statement is inserted in the offer, it should not be accepted in evidence unless the code member affirmatively waives his right to object to the admission of the document. Here, however, the problem is moot because the code member withdrew his objections to the admission of the offer of settlement.

After a consideration of all of the evidence, the brief of code member, the Examiner's Report, and the exceptions thereto, I find that the exceptions are without merit and that the Examiner's Report is supported by the record.

Code member has already been afforded a full hearing. No good purpose would be served by an oral argument, and the request therefor is denied. The motion to reopen the record is likewise denied. No showing was made of what additional evidence code member desired to introduce at a further hearing.

For the foregoing reasons, I conclude that the Proposed Findings of Fact and Conclusions of Law of the Examiner, submitted on April 28, 1942, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is, therefore, ordered, That the exceptions of code member, Matthew Phillips, to the Examiner's Report be, and they hereby are, severally overruled;

It is further ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the code membership of Matthew Phillips be, and it hereby is, revoked and cancelled, effective fifteen (15) days from the date hereof; and

It is further ordered, That, prior to any reinstatement to membership in the Code, Matthew Phillips shall pay to the United States a tax in the amount of \$749.41,¹⁰ as provided in section 5 (c) of the Act.

Dated: June 13, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc 42-5579; Filed, June 15, 1942;
11:20 a. m.]

[General Docket No. 22]

MARKETING RULES, DISTRICT 3

AN ORDER APPROVING AND ADOPTING, WITH MODIFICATION, PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND REVISING AND MODIFYING THE MARKETING RULES AND REGULATIONS

In the matter of marketing rules and regulations incidental to the sale and

¹⁰ Computation of the tax was limited to the tonnage alleged in the complaint, as recommended by the Examiner, although the evidence showed coal in substantially larger quantities was sent from Mine Index No. 23 to the tipple of code member during January and February 1941.

distribution of coal by code members as established by the Division for districts Nos. 1 to 20, inclusive, 22 and 23.

In re a proposal to review and revise the marketing rules and regulations as established by the Division.

The Director of the Bituminous Coal Division having instituted a proceeding, pursuant to the last sentence of section 4 II (b) of the Bituminous Coal Act of 1937, to receive evidence relating to the reasonableness and necessity of revising those portions of the Marketing Rules and Regulations relating to the invoicing of coal lost or confiscated in transit;

A hearing having been held in this proceeding before Scott A. Dalquist, a duly designated Examiner of the Division, in Washington, D. C., on September 27, 1941; Bituminous Coal Producers Boards for Districts Nos. 2, 3, 4, 6, 7, 8, 10, 11, and 12, the Mallory Coal Company, and the Marianna Smokeless Coal Company, code members in Districts Nos. 7 and 8, filed petitions of intervention; notices of appearance were filed by Bituminous Coal Producers Boards for Districts Nos. 1 and 11, Bituminous Coal Consumers' Counsel, Association of American Railroads, and American Coal Distributors' Association; appearances were entered in the record for Bituminous Coal Producers Boards for Districts Nos. 1, 2, 4, 7, 8, 10, and 11, Bituminous Coal Consumers' Counsel, and Association of American Railroads.

The Examiner having made and entered his Report, Proposed Findings of Fact, Conclusions of Law, and Recommendations, dated January 6, 1942;

Districts Boards 10, 11, and 12, and the Association of American Railroads having filed exceptions to the Report of the Examiner and supporting briefs;

The undersigned having carefully considered the record of this proceeding, and upon the basis thereof, having rendered Findings of Fact, Conclusions of Law and Opinion, which are filed herewith;

Now, therefore, it is ordered, That the requests for oral argument herein be, and they hereby are, denied;

It is further ordered, That the Proposed Findings of Fact, Conclusions of Law, and Recommendations of the Examiner, as modified, be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date of this order, the Marketing Rules and Regulations established in General Docket No. 15, as amended, be, and the same hereby are, revised and amended to read as follows:

Rule 8 of Section XII

Rule 8. (A) Where the producer undertakes to negotiate a settlement with or otherwise collect from the carrier for coal confiscated in transit, the coal shall be invoiced to the carrier at not less than the applicable minimum f. o. b. mine price for such coal for sale to the carrier.

(B) Where the producer undertakes to negotiate a settlement with or otherwise collect from the carrier for coal lost in transit, the coal shall be invoiced to

FEDERAL REGISTER, Tuesday, June 16, 1942

the carrier at not less than the price for which such coal was originally invoiced to the consignee: *Provided, however,* That the carrier shall be invoiced for coal which was consigned by the producer to himself and lost in transit at not less than the lowest applicable minimum price for that coal when sold by the shipper from the point to which it was consigned.

Dated: June 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5580; Filed, June 15, 1942;
11:20 a. m.]

[Docket No. A-1272]

DISTRICT BOARD 6—RIVERCOAL, INC.

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 6 for the establishment of price classifications and minimum prices for the coals of Rivercoal Mine, Mine Index No. 29, of Rivercoal, Inc., in District No. 6, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

The original petitioner, District Board No. 6, having moved that the hearing in the above-entitled matter be postponed until a date subsequent to August 7, 1942, and having shown good cause why its motion should be granted, and there having been no opposition thereto:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from June 16, 1942, to 10 o'clock in the forenoon of August 11, 1942, at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: June 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5581; Filed, June 15, 1942;
11:18 a. m.]

[Docket No. A-1475]

DISTRICT BOARD 8—BRIMSTONE MINE

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8—for increase of price classifications and minimum prices for the Brimstone Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 21, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Di-

vision duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 16, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board No. 8 to increase the minimum price classifications established for the coals produced at the Brimstone Mine of the Brimstone Coal Company, Mine Index No. 67, in District No. 8, in Size Groups 18 to 21, inclusive, for all shipments except truck for all destinations other than Great Lakes and for Great Lakes cargo only, from "M" to "G", and to increase the minimum prices applicable to the coals produced at said mine in Size Groups 7 to 8 for truck shipments only from \$1.55 and \$1.50, respectively, to \$1.70 and \$1.65, respectively.

Dated: June 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5582; Filed, June 15, 1942;
11:19 a. m.]

[Docket No. A-1468]

DISTRICT BOARD 3

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the Acting Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 6, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 3 for the amendment of the Schedules of Effective Minimum Prices for District No. 3 to include this price instruction:

When coals produced by a single code member are mixed, the minimum price applicable to such mixture shall be the same as that for coal contained in the mixture having the highest price classification unless, after hearing, a special price classification is established for said mixture. When such mixture is sold, the invoices shall properly identify the coal.

Dated: June 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5583; Filed, June 15, 1942;
11:20 a. m.]

[Docket No. A-14701]

DISTRICT BOARD 8—CRYSTAL BLOCK MINING CO.**NOTICE OF AND ORDER FOR HEARING**

In the matter of the petition of District Board No. 8—for increase of price classifications and minimum prices for the No. 2 mine of Crystal Block Mining Company.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 21, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 16, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board No. 8 to increase the minimum price classifications established for the coals produced at the No. 2 Mine of the Crystal Block Mining Company, Mine Index No. 921, in District No. 8, in Size Groups 18 to 21, inclusive, for all shipments except truck, for all destinations other than Great Lakes and for Great Lakes cargo

only, from "E" to "C," and to increase the minimum prices applicable to the coals produced at the said mine in Size Groups 7 and 8, for truck shipments, from \$1.80 and \$1.75, respectively, to \$1.90 and \$1.85, respectively.

Dated: June 12, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5584; Filed, June 15, 1942;
11:19 a. m.]

[Docket No. A-1478]

DISTRICT BOARD 8—CARDINAL MINE**NOTICE OF AND ORDER FOR HEARING**

In the matter of the petition of District Board No. 8—to increase the price classifications and minimum prices for the Cardinal No. 1 Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 21, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 16, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board No. 8 to increase the minimum price classifications established for the coals produced at the Cardinal No. 1 Mine of the Kentucky Cardinal Coal Corporation, Mine Index No. 93, in District No. 8, in Size Group 10, for all shipments except truck, from "C" to "A".

Dated: June 12, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5585; Filed, June 15, 1942;
11:19 a. m.]

[Docket No. B-133]

MAMMOTH BLOCK COAL COMPANY

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND REVOKING AND CANCELLING CODE MEMBERSHIP

In the matter of Isaac Collins, Bryant Moore, Thomas Williams, Sr., and Thomas Williams, Jr., (Mammoth Block Coal Company), also known as Isaac Collins, Bryant Moore, Thomas Williams, Senior, and Thomas William, Junior, individually and as copartners, doing business under the name and style of Mammoth Block Coal Company, code member.

This proceeding having been instituted upon a complaint duly filed with the Bituminous Coal Division on November 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by District Board No. 8, alleging that the Mammoth Block Coal Company, and each of the partners thereof individually, code members in District No. 8, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel and revoke the code member's code membership, or in its discretion, direct the code member to cease and desist from violations of the Code and the rules and regulations thereunder;

Pursuant to an Order of the Acting Director, and after due notice to interested persons, a hearing in this matter having been held on January 17, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof, in Catlettsburg, Kentucky, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Appearances having been entered on behalf of District Board No. 8 and by Bryant Moore, Thomas Williams, Sr., and Isaac Collins;

The Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated May 6, 1942, in which the Examiner found that code member Mammoth Block Coal Company and each of the individual partners thereof, namely, Isaac Collins,

Thomas Williams, Jr., and Bryant Moore, wilfully violated the provisions of section 4 II (e) of the Bituminous Coal Act by selling during the period March 8, 1941, to April 14, 1941, both dates inclusive, 82.7 tons of Size Group 8 coals for truck shipment at a price of 40 cents per ton f. o. b. the mine, whereas the effective minimum price therefor was \$1.45 as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments;

The Examiner having recommended that an order be issued revoking and cancelling the code membership of the Mammoth Block Coal Company, as provided in section 5 (b) of the Act and providing that prior to any reinstatement of the Mammoth Block Coal Company, a partnership, or any of the individual partners thereof, Isaac Collins, Thomas Williams, Sr., Thomas Williams, Jr., and Bryant Moore, to membership in the Code, the Mammoth Block Coal Company, or any of the individual partners thereof, should pay to the United States a tax in the amount of \$46.77 as provided in section 5 (c) of the Act;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and proposed Conclusions of Law of the Examiner be and the same hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of code member Mammoth Block Coal Company be, and it hereby is, revoked and cancelled;

It is further ordered, That prior to any reinstatement of the Mammoth Block Coal Company, a partnership, or any of the individual partners thereof, Isaac Collins, Thomas Williams, Sr., Thomas Williams, Jr., and Bryant Moore, to membership in the Code, the Mammoth Block Coal Company, or any of the individual partners thereof, shall pay to the United States a tax in the amount of \$46.77 as provided in section 5 (c) of the Act.

Dated: June 11, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5586; Filed, June 15, 1942;
11:19 a. m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 180
ESTABLISHED AND AIR NAVIGATION SITE
WITHDRAWAL NO. 130 REDUCED

It is ordered, under and pursuant to the provisions of section 4 of the act of

May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the following-described public lands near Summit, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

FAIRBANKS MERIDIAN

T. 18 S., R. 8 W.,
Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$, unsurveyed,
Sec. 20, S $\frac{1}{2}$, that part lying northwest of the right of way of The Alaska Railroad, unsurveyed;
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, those parts lying northwest of such right of way, unsurveyed,
Sec. 30, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and in S $\frac{1}{2}$, that part lying north and west of such right of way, unsurveyed,
Sec. 31, N $\frac{1}{2}$, that part lying north and west of such right of way, unsurveyed;
T. 18 S., R. 9 W.,
Sec. 25, S $\frac{1}{2}$ S $\frac{1}{2}$, unsurveyed,
Sec. 26, S $\frac{1}{4}$ SE $\frac{1}{4}$, unsurveyed,
Sec. 35, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 36, N $\frac{1}{2}$;
aggregating approximately 1,890 acres.

And the departmental order of December 27, 1939, creating Air Navigation Site Withdrawal No. 130, is hereby revoked so far as it affects any of the above-described lands.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 8, 1942.

[F. R. Doc. 42-5545; Filed, June 13, 1942;
10:53 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

MINIMUM WAGES IN CERTAIN BRANCHES OF
FURNITURE MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the determination of the prevailing minimum wages in the Wood Furniture Branch and in the Public Seating Branch of the Furniture Manufacturing Industry.

Whereas the Secretary of Labor on May 3, 1939, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act determined the prevailing minimum wages for employees engaged in the performance of contracts with agencies of the United States subject to said Act, for the manufacture or supply of the products of the Wood Furniture Branch of the Furniture Manufacturing Industry, to be

(1) 35 cents an hour or \$14 per week of 40 hours, arrived at either upon a time or piece rate basis, for the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Maryland, West Virginia, Delaware, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, and the District of Columbia;

(2) 30 cents an hour or \$12 per week of 40 hours, arrived at either upon a time or piece rate basis, for the States of Virginia, Kentucky, North Carolina, Georgia, South Carolina, Florida, Alabama, Tennessee, Arkansas, Louisiana, Oklahoma, Texas, and Mississippi; and

(3) 50 cents an hour or \$20 per week of 40 hours, arrived at either upon a time or piece rate basis for the States of California, Washington, and Oregon.

and for the manufacture or supply of the products of the Public Seating Branch of the Furniture Manufacturing Industry to be 37 $\frac{1}{2}$ cents an hour, or \$15 per week of 40 hours, arrived at either upon a time or piece rate basis; and,

Whereas the minimum wage required to be paid by wood furniture manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on November 3, 1941, pursuant to the Wage Order of the Administrator of the Wage and Hour Division for the Wood Furniture Manufacturing Industry; and,

Whereas the definition of the Wood Furniture Manufacturing Industry in the Wage Order of the Administrator includes all of the products covered by the Wood Furniture Wage Determination of the Secretary and certain of the products covered by the Public Seating Wage Determination; and,

Whereas it appears that substantially all employers subject to the Wood Furniture Wage Determination of the Secretary, are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938 and that the Wage Order of the Administrator will, therefore, have the effect of establishing 40 cents per hour as the prevailing minimum wage in the Wood Furniture Branch of the Furniture Manufacturing Industry for the District of Columbia and all States other than California, Washington and Oregon for which the prevailing minimum is 50 cents per hour; and,

Whereas it appears that the processes of manufacture and the prevailing minimum wage rates in the production of the articles covered by the Wage Order but not covered by the Wood Furniture Wage Determination are similar to or identical with the processes and prevailing minimum wage rates in the production of the articles covered by the Wood Furniture Wage Determination; and,

Whereas it appears that the processes of manufacture and the prevailing minimum wage rates in the production of articles covered by the Public Seating Wage Determination but not covered by the Wage Order are similar to or identical with the processes and prevailing minimum wage rates in the production of articles covered by the Wage Order;

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before July 6, 1942, why

(1) the Wood Furniture Wage Determination should not be amended by—

(a) Increasing the prevailing minimum wage to 40 cents per hour for the District of Columbia and all States other

than California, Washington, and Oregon for which the prevailing minimum shall continue to be 50 cents per hour, the rate specified in the Wood Furniture Wage Determination of May 3, 1939.

(b) Amending the definition of the Wood Furniture Branch of the Furniture Manufacturing Industry to which this prevailing minimum wage shall apply to be substantially the same as the definition contained in the Wage Order of the Administrator, namely:

"The manufacturing, assembling, upholstering, and finishing, from wood, reed, rattan, willow, and fiber, of upholstered and other household, office, lawn, camp, porch, and juvenile and toy furniture, including but without limitation porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; the manufacturing and assembling from wood, of furniture parts for the above, separately, set up or knocked down including but without limitation parlor furniture frames and chairs in the white: *Provided, however,* That this definition shall not include the manufacture of any product covered by the prevailing minimum wage determination of the Secretary of Labor for the Public Seating Branch of the Furniture Manufacturing Industry.

"The manufacturing of any products covered under this definition shall be deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed."

(2) the Public Seating Wage Determination should not be amended by increasing the prevailing minimum wage as determined therein from 37½ cents an hour to 40 cents an hour.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than July 6, 1942.

Dated: June 11, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-5589; Filed, June 15, 1942;
11:25 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 204 and 334]

AMERICAN AIRLINES, INC.—MAIL RATE
PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, under section 406 of the Civil Aeronautics Act of 1938, of American Airlines, Inc.

The Board, having by order of May 5, 1942, reopened the above-entitled proceeding for the purpose of receiving such further evidence as may be material to the issues therein, notice is hereby given,

pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001, that public hearing is assigned to be held on June 18, 1942, at 10:00 a. m. (eastern standard time), in Conference Room C, Departmental Auditorium, Washington, D. C.

Dated Washington, D. C., June 12, 1942.

[SEAL] F. A. LAW, Jr.,
Examiner.

[F. R. Doc. 42-5594; Filed, June 15, 1942;
12:06 p. m.]

FEDERAL POWER COMMISSION.

[Project No. 487]

PENNSYLVANIA POWER & LIGHT COMPANY

ORDER TO SHOW CAUSE, STAY OF FORMER ORDER IN PART, AND GRANTING APPLICATION FOR REHEARING IN PART

JUNE 10, 1942.

Upon consideration of application of Pennsylvania Power & Light Company dated May 11, 1942, for rehearing with respect to certain dispositions made in the Commission's Opinion No. 68 and order of April 14, 1942, determining the actual legitimate original cost of Project No. 487 and prescribing the accounting therefor, and the entire record in this proceeding;

The Commission finds that:

(a) Except as to (i) Suspension No. 1; (ii) an amount of \$5,050.24 included in Suspension No. 3 (L), referred to on page 8 of said application for rehearing, and (iii) the matters embraced in paragraphs (e), (f) and (g) contained on pages 14 and 15 of said application, no new facts have been presented or alleged in said application which would justify a reversal or revision in the dispositions made in said Opinion No. 68 and said order of April 14, 1942;

(b) The objections raised by Pennsylvania Power & Light Company in paragraphs (a), (b), (c) and (d), contained on pages 12 and 13 of said application, are substantially the same as those previously considered and rejected by the Commission in its orders determining the cost of Northern States Power Company's Project No. 108 and Alabama Power Company's Project No. 82, which orders have been affirmed upon review (*Northern States Power Co. v. Federal Power Commission*, 118 Fed. (2d) 141; *Alabama Power Company v. Federal Power Commission*, No. 7853, decided March 30, 1942, App. D. C.);

The Commission orders that:

(1) Paragraphs (A), (H), (J) and (K) of the Commission's order of April 14, 1942, be and they hereby are stayed until further order of the Commission;

(2) Pennsylvania Power & Light Company, on or before July 1, 1942, (1) show cause in writing, under oath, why the accounting instructions and requirements contained in paragraph (H) of said order of April 14, 1942, in so far as they relate to the amounts of \$11,389.32, \$12,391.50 and \$34,628.76, referred to in paragraphs (a) and (f) contained on

page 14 of said application for rehearing, should not be made effective and enforced; and (2) submit to the Commission such accounting treatment as it may propose for the disposition of said disallowed items of claimed cost;

(3) A rehearing on (a) Suspension No. 1, in so far as requested; (b) the amount of \$5,050.24 included in Suspension No. 3 (L); and (c) the matters embraced in paragraphs (e), (f) and (g) contained on pages 14 and 15 of said application for rehearing, be and the same is hereby granted, such rehearing to begin at 10:00 a. m. on the 13th day of July, 1942, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.;

(4) The application for rehearing as to all matters other than those on which a rehearing is granted in paragraph (3) above, be and the same is hereby denied.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-5526; Filed, June 12, 1942;
12:35 p. m.]

[Docket No. IT-5789]

PENNSYLVANIA ELECTRIC COMPANY

NOTICE OF APPLICATION

JUNE 12, 1942.

Notice is hereby given that on June 11, 1942, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Pennsylvania Electric Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said State, with its principal office at Johnstown, Pennsylvania, seeking an order authorizing it to acquire all the utility assets and facilities of Keystone Public Service Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said State, with its principal office at Oil City, Pennsylvania, at a price based on the original cost of the fixed assets of Keystone (exclusive of amounts includable in Accounts 100.5 and 107), plus current and other assets, less liabilities and the provision for retirements all calculated as of the date of settlement as shown on the books of Keystone. The consideration is to be in cash and in addition the purchaser will assume the payment of all debts and liabilities of the seller, including its funded debt, in accordance with its terms, and including a liability to be incurred by the call of all the outstanding \$2.80 Cumulative Preferred Stock of the seller. Under the terms of the purchase agreement the seller has agreed to dispose of its investment in Citizens Transit Company and its investment in \$856,000.00 principal amount of NY PA NJ Utilities Company 5% Debentures due 1952 prior to or at settlement and in addition has agreed to procure the donation to the seller of 1,572 shares of the seller's \$2.80 Cumulative Preferred Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 1st day of July, 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-5562; Filed, June 15, 1942;
10:06 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order O.D.T. No. B-5]

NORTH CAROLINA—VIRGINIA

MOTOR VEHICLE PASSENGER SERVICE
COORDINATION

Directing coordinated operation of passenger carriers by motor vehicle between certain points in North Carolina and Virginia.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with this Office by Atlantic Greyhound Corporation, Charleston, West Virginia, and Carolina Coach Company, Raleigh, North Carolina, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That:

1. Atlantic Greyhound Corporation and Carolina Coach Company (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Charlotte, Lexington, Greensboro, Durham, Raleigh, and Fayetteville, in the State of North Carolina, and Norfolk, Suffolk, Portsmouth, Emporia, Petersburg, Martinsville, Danville, and Richmond, in the State of Virginia, as common carriers by motor vehicle shall:

(a) Honor each other's tickets between the points specified where equal fares apply; and

(b) Divert to each other traffic routed between the points specified, for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections.

2. The carriers forthwith shall file with the Interstate Commerce Commission and with each appropriate State regulatory body, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth the changes in the rules, regulations, and practices of each carrier which will be required to comply with the provisions of this order, and forthwith shall apply to said Commission and regulatory

bodies for special permission for such tariffs or supplements to become effective on one day's notice.

This order shall become effective on June 20, 1942, and remain in full force and effect until the further order of this Office. (E.O. 8989, 6 F.R. 6725)

Issued at Washington, D. C., this 13th day of June 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-5560; Filed, June 13, 1942;
12:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-23, 70-187, 70-191]

MIDDLE WEST CORPORATION ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of June, A. D. 1942.

In the matter of The Middle West Corporation, North West Utilities Company, and Wisconsin Power and Light Company; The Middle West Corporation, and North West Utilities Company.

The Commission having instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to The Middle West Corporation, North West Utilities Company and Wisconsin Power and Light Company (File No. 59-23), and having consolidated the hearing in said proceeding with hearings on the application and declaration of The Middle West Corporation (File No. 70-187) and that of North West Utilities Company (File No. 70-191); and

The consolidated hearings having been duly convened on July 9, 1941 and adjourned to July 28, 1941, at which time on request of the respondents it was continued subject to the call of the trial examiner; and

The Commission having, on May 25, 1942, entered its order reconvening the consolidated hearings on the 16th day of June 1942, at 10 A. M., E. W. T. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

Counsel for the above named parties having requested that such adjourned hearing be postponed, and it appearing appropriate to the Commission that said request be granted;

It is ordered, That the adjourned hearing in this matter, previously scheduled for June 16, 1942, be, and it is hereby postponed to June 25, 1942, at the same time and place heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 42-5561; Filed, June 13, 1942;
12:38 p. m.]

[File No. 7-672]

LIBBY, MCNEILL AND LIBBY—LOS ANGELES STOCK EXCHANGE

HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June, A. D. 1942.

In the matter of application of the Los Angeles Stock Exchange to extend unlisted trading privileges to Libby, McNeill and Libby \$7 par common stock.

The Los Angeles Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

The Commission being advised that the Los Angeles Stock Exchange has filed other similar applications and that said applications have been set down for hearing before John C. Clarkson on June 30, 1942, and deeming it advisable that the instant application be set down for hearing at the same time and place and before the same officer;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, June 30, 1942, at the office of the Securities and Exchange Commission, 312 North Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John C. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 42-5563; Filed, June 15, 1942;
10:06 a. m.]

[File No. 811-56]

MIDDLE STATES SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 12th day of June, A. D. 1942.

An application having been filed by Middle States Securities Corporation for

an order pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 declaring that the company has ceased to be an investment company within the meaning of the Act and for an interim order pursuant to the provisions of section 6 (c) of the Act exempting applicant from the provisions of sections 30 (a) and 30 (d) of the Act pending final determination of its application.

It is ordered, That a hearing on the matter of this application be held on June 24, 1942, at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated at any such hearing is hereby authorized to exercise all the powers granted to the Commission under

sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 42-5564; Filed, June 15, 1942;
10:06 a. m.]

W. K. ARCHER & COMPANY

[File No. 4-34]

ORDER REVOKING REGISTRATION AND EXPELLING REGISTRANT FROM NATIONAL SECURITIES ASSOCIATION AND NATIONAL SECURITIES EXCHANGE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June A. D. 1942.

Proceedings having been instituted pursuant to order of the Commission dated May 22, 1941, to determine whether the registration of W. K. Archer & Company as a broker and dealer should be suspended or revoked and whether the registrant should be suspended or expelled from the National Association of Securities Dealers, Inc. and the Chicago Stock Exchange; a hearing having been held after appropriate notice; the Commission having this day issued its Findings and Opinion;

It is ordered, on the basis of such Findings and Opinion, pursuant to sections 15 (b), 15A (l) (2) and 19 (a) (3) of the Securities Exchange Act of 1934, that the registration of W. K. Archer & Company as a broker and dealer be, and hereby is, revoked; and that the registrant be, and hereby is, expelled from the National Association of Securities Dealers, Inc. and the Chicago Stock Exchange.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 42-5565; Filed, June 15, 1942;
10:06 a. m.]

